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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES
DEPARTMENT No. 57 HON. PAUL G. BRECKENRIDGE, JR., JUDGE

CHURCH OF SCIENTOLOGY OF CALIFORNIA,)
)
 Plaintiff,)

vs.)

GERALD ARMSTRONG,)
)
 Defendant.)

No. C 420 153

MARY SUE HUBBARD,)
)
 Intervenor.)

REPORTERS' DAILY TRANSCRIPT

Thursday, May 31, 1984

APPEARANCES:

(See Appearance page)

COPY

VOLUME 22

Pages 3775 - 3989, incl.

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HERBERT CANNON, CSR #1923
Official Reporter

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1 LOS ANGELES, CALIFORNIA; THURSDAY, MAY 31, 1984; 9:05 A.M.

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3
4 THE COURT: Very well, the record will reflect that
5 counsel are present.

6 Mr. Litt?

7 MR. LITT: Thank you, Your Honor. Our first witness
8 will be Vaughn Young, Your Honor.

9 THE COURT: Very well.

10
11 VAUGHN YOUNG,
12 called as a witness in behalf of the plaintiff in rebuttal,
13 was sworn and testified as follows:

14 THE CLERK: Be seated, please. State your name
15 and spell your last name.

16 THE WITNESS: Vaughn Young, Y-o-u-n-g.

17
18 DIRECT EXAMINATION

19 BY MR. LITT:

20 Q Mr. Young, what is your occupation?

21 A I am a writer.
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2
1 Q And are you a Scientologist?

2 A Yes.

3 Q And when did you first become involved with
4 Scientology?

5 A 1968.

6 Q Prior to that did you have any academic
7 credentials?

8 A At the time I --

9 Q Had you attained any academic credentials prior
10 to that?

11 A I was working on my PhD at the University of
12 California at Davis. I had obtained my Masters in Philosophy
13 at San Francisco State College.

14 Q And at some point did you go to work in the
15 Guardian's Office?

16 A Yes, I did.

17 Q When was that?

18 A In 1971.

19 Q What was your function?

20 A I was handling the public relations area in
21 San Francisco.

22 Q And do you have any background in investigative
23 journalism?

24 A Yes. I have been doing it, I suppose, for about
25 13 years.

26 Q That was your primary function in the Guardian's
27 Office?

28 A I started, actually, in late '71. I began to

1 basically write and do what is commonly called today
2 investigative journalism or investigative writing.

3 Q What type of investigative journalism have you
4 done?

5 A Well, I started on something called the IRS
6 papers which are IRS documents. And I have mainly worked
7 in Federal agencies. I have done stories on drug running;
8 published a book in 1979. While that book was in progress,
9 I testified twice before Congressional Subcommittees.

10 Q Now, at some point did you go to work with
11 Mr. Armstrong in the archives area?

12 A Yes, I did.
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1 Q And approximately when was that?

2 A Well, I had some dealings with Mr. Armstrong
3 prior to my going down there, but it was in -- actually
4 on November 1st, 1981 that I went down into the archives
5 area to work.

6 Q And what were the circumstances as to why you
7 went down there?

8 A I went down. I was requested by his senior,
9 Sue Anderson, to help sort of unsnarl and to help to sort of
10 sort out some problems on the biography that was ongoing with
11 Omar Garrison since I knew Mr. Garrison and was a writer
12 myself. So I was set up to do that.

13 Q And we will come back to what you did with
14 respect to sorting out the biography contract, but did you
15 also play any role at all in discussing the archives or
16 research materials with Mr. Armstrong?

17 A Well, there was just basically only the two
18 of us sitting down there, so we had many occasions to
19 during the day and the evening to have short or long
20 conversations and read materials and discuss the area, yes.

21 Q Now were you physically working in the archives
22 area at that time?

23 A I was just a matter of a few feet from
24 Mr. Armstrong at that time at another desk, yes.

25 Q And were you also working on another project
26 along with this project of trying to sort out the contract?

27 A Well, a couple of weeks after I was there,
28 I also became involved in the evening in a project which was

3/2

1 basically to assist church members who had difficulties
2 with the church, and that was ongoing also in the evening.
3 It was called a board of review which Gerry knew about.
4 That went on for several weeks.

5 Q And the function of that was if there were
6 any individuals who had complaints about things, that this
7 was a mechanism by which those could be resolved?

8 A Yes. There was about, I believe -- yes,
9 there was five of us, and basically an issue was put out
10 as broadly as possible. A phone number and an address was
11 widely promulgated so if any people had any difficulties,
12 they could contact us. We would resolve it and we had people
13 from all over the United States contact us.

14 Some people came in. Some we dealt with in
15 the mail, some by phone and we had everything from -- it
16 was almost like an ombudsman type of role, everything
17 from "I lost something in the church," to difficulties with
18 ethics matters or justice matters or matters of pricing,
19 and we handled -- we handled all but one case which had
20 to be actually referred to someone else because it was
21 fairly complex, but all to the satisfaction of the individuals,
22 and it was very successful and I discussed this with Gerry,
23 also.

24 Q Now when you arrived down in the archives
25 area November 1st, did you spend time discussing with
26 Mr. Armstrong the materials that he had and any system that
27 he had for obtaining them or retaining them, I am sorry?

28 A Yes, I did. Before he left I became more and

1 more involved in it so that even to the point that I had
2 actually ended up creating materials in the archives myself
3 and putting them into binders in the system that he was using,
4 so I actually began to function along the way as an archivist
5 myself.

6 Q And with respect to some materials, you, at
7 Mr. Armstrong's request, obtained some materials?

8 A Yes.

9 Q Now was the indexing -- describe the indexing
10 system and how usable it was from a research point of view?

11 A Well, the indexing system was mainly Gerry's
12 memory. He mainly pointed out to me that the cabinets --
13 well this cabinet has this and that cabinet has that, and
14 then as things were Xeroxed and put into these binders,
15 of which there was duplicate sets, one set went to
16 Mr. Garrison; one set was retained, they were simply put on
17 shelves in the order that they were made so you had to
18 remember.

19 At one point I had to do a card system so that
20 we could number them and put down titles, so at least I
21 could go through cards and sign them. Otherwise, it was
22 sort of like remembering where you put your socks in your
23 drawer. It was basically based on memory. It was sort of
24 like knowing which cabinet to go into, which drawer to pull
25 out, which file folder.

26 They were segregated somewhat like manuscripts
27 would be in one drawer, but you had to remember which
28 drawer among maybe 25, 20 cabinets, and then boxes and then

3/4

1 stacks of papers, and so it was basically a memory system.

2 Q Now, let's go back for a moment to the --
3 this assignment that you had to sort out the biography
4 contract with Mr. Garrison, what was your function there?
5 What were you supposed to try to do?

6 A I was basically to gather up all the material
7 about the discussions and the contract that had been signed,
8 see if I could sort something out that would probably be
9 agreeable to both sides and then proposed so that the
10 attorneys could handle the matter. I was not to enter into
11 any negotiations.

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1 I was not to propose anything to Mr. Garrison that
2 might be implied as an offer.

3 I was not to interject myself in any way inasmuch
4 as just basically step in as a person that could simply
5 gather it, put it into a coherent form and then propose a
6 solution.

7 Q Showing you exhibits TT, JJ, KK, and LL, do you
8 recognize these?

9 A Yes, I do.

10 Q Are these all -- except for -- let me leave aside
11 TT for a moment.

12 Is JJ something that you prepared in the context
13 of carrying out this function of trying to get the biography
14 sorted out?

15 A This was my first proposal which was basically
16 halfway through.

17 What I was supposed to do was propose it and help
18 to see if it could be carried out all the way. So this is
19 what I had done which was titled "Re Contracting Biography
20 with Omar Garrison" on 18 November.

21 Q And exhibit KK and LL, did you also prepare
22 those?

23 A Yes, I did.

24 This KK is handwritten and LL is a typed dispatch
25 that I sent.

26 Q Was Mr. Armstrong aware of what you were doing
27 with respect to trying to sort out the biography contract?

28 A Yes, he was. He knew about it and had commented

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1 on it. And I had seen other things that he had written where
2 he was actually very supportive of what I was attempting in
3 this capacity.

4 Q Was he being kept apprised of your activities
5 with respect to it? For instance, would he receive copies
6 of these documents that we have discussed here?

7 A Well, not directly, since I was basically working
8 with Sue.

9 I kept him apprised and in a couple of cases,
10 I would give him a carbon copy of something. But basically,
11 my working with Garrison was an adjunct to the archival work.
12 So that it wasn't something that I was required to do. I
13 did it out of courtesy as well as I did it out of the fact
14 that he might know something; he might know where something
15 else might be; he might know someone that I could contact
16 and ask.

17 Q Now, when you say your job was to get the contract
18 sorted out, was that on behalf of the Church, or other parties
19 sort of associated with Scientology in relationship to
20 Mr. Garrison?

21 A Well, yes. And also, my view was to also do it
22 on behalf of Mr. Garrison as much as I could.

23 Q You wanted to be fair with Mr. Garrison?

24 A Very much so, since it had to be something that
25 would be agreeable to him.

26 Q Now, the materials that we have identified here,
27 JJ, KK, and LL, were those materials prepared to be provided
28 to Mr. Garrison?

1 A No. They were internal.

2 JJ was my proposal which, if it was approved by
3 the woman who sent me on the project, would then be sent to
4 the attorneys. And this was specifically designed for that
5 purpose; in fact, it had said this in this other project that
6 I was given.

7 Q When you say another project, are you pointing
8 to exhibit TT?

9 A TT in which there was one step in here which
10 called for ". . .get this drawn up and on to the proper legal
11 lines" which basically meant this was going to be given to
12 the attorneys. And this is what this was in compliance to,
13 that particular step.

14 Q Exhibit TT was basically the document setting
15 up this "Biography Debug" project; right?

16 A Yes. And a "Debug" I might interject is just
17 getting it unsnarled, you know, getting it sort of smooth
18 and operating. These are the steps I was to go through which
19 had me to go in and meet Gerry, set up my area, get the
20 documents. I had a little check list that I used.

21 Q Now, did you know that at the time Mr. Armstrong
22 was sending or providing to Mr. Garrison copies of these
23 documents?

24 A No, I did not. I was quite surprised when I found
25 out that those had been copied without my knowledge or
26 consent.

27 Q And within your understanding of what the purpose
28 of these materials was, was that something that Mr. Armstrong

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1 was authorized to do?

2 MR. FLYNN: Objection.

3 THE COURT: I don't understand your question; authorized
4 to do what?

5 MR. LITT: Authorized to provide these internal lists --
6 was there any authority or authorization that Mr. Young
7 was aware of to provide these internal memoranda to
8 Mr. Garrison.

9 THE COURT: Overruled. You can answer.

10 THE WITNESS: There was not. Because I was not working
11 under Mr. Armstrong. I was working for Sue Anderson to
12 provide the materials to the attorneys.

13 This was not something that was being kept from
14 Gerry, since there was information I had to obtain. But
15 clearly this was not something to be disseminated beyond
16 working with the attorneys.

17 Q BY MR. LITT: Now, in doing this biography sort
18 out or debug, there are various comments in here that,
19 presumably, you wrote; I take it that you did a thorough
20 investigation as much as you could of what happened with
21 respect to the biography negotiations and the different parts
22 of the legal matter or contract matters related to the
23 biography?

24 A I had searched every possible location we had;
25 I had asked Gerry of any place he might know; I had asked
26 Laurel Sullivan of any places.

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1 Q Now, there has also been discussion in this
2 trial concerning the financial arrangements that were made
3 in relationship to the contract.

4 Did you ever have any discussion with
5 Laurel Sullivan concerning those financial arrangements?

6 A Yes, I did.

7 Q And did she tell you who it was whose idea it
8 had been for the various financial arrangements in support
9 of Mr. Hubbard, shall we say, where that idea came from?

10 A Yes, she did. I had very specifically asked
11 her because since money was being discussed quite a bit,
12 I wanted to know and on November 18, I had met her there
13 in the archives, and I specifically asked her had she ever
14 received any instructions of any type from Mr. Hubbard
15 regarding any financial aspects of the biography. She
16 said no.

17 I then asked her where did this begin because
18 it had been traced to her, and she said that it was her
19 idea.

20 Q Now, did you reach a conclusion as to whether
21 or not there ever was a contract between Mr. Hubbard and
22 PUBS DK regarding any biography?

23 MR. FLYNN: Objection, Your Honor.

24 THE COURT: Sustained.

25 Q BY MR. LITT: Do you happen to know or were you
26 able to learn at the time also while you were working on
27 this biography debug whether or not Larry Brennan had
28 any position as a director of PUBS DK?

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1 A Yes, I did. I was fortunate. I happened to
2 find out that he was passing through Los Angeles on something
3 else and managed to garner him one time and discussed at that
4 time, and he had brought this up and -- because I wanted
5 to effect more information gathering verbally than I could
6 dealing with him by Telex or telegram or letter.

7 Q Now, while Mr. Armstrong was still in the
8 archives area before he left, did you have any discussions
9 with him about some of what he had been finding or hadn't
10 been finding or research techniques, things like that?

11 A Quite a bit. As I said, the conversations
12 were often and they were wide-ranging, and we covered as
13 much as discussing everything from the types of boxes that
14 you have to put papers in, to acid freeze so that they could
15 be preserved as long as possible, radiation, all the way down
16 to specific investigative techniques that one can use to
17 gather documents, people to talk to. Possibly every such
18 that I could imagine.

19 Q Were there occasions on which you had discussions
20 with him concerning whether or not a complete research on a
21 particular topic had been done?

22 A Yes, several times.

23 Q Do you recall any examples?

24 A There is one that stands out in my mind that
25 I had an occasion to discuss the matter of brainwashing
26 techniques and things like this with him because of my own
27 work that I had spent in doing some stories on the subject
28 of D.C., and one time he brought me a small card. It was

1 about four by six and it was very old card. It looked
2 maybe, you know, just judging from it, it had some years to
3 it.

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1 I had been folded like somebody had folded it
2 and shoved it in their pocket. And something was written
3 on the back. And without going into the whole story behind
4 it, it was just that there were some stories about Mr. Hubbard
5 where he had been contacted by the Russians some years before
6 with an offer to buy his research.

7 And Gerry saw it and said something to the effect
8 that this could be the proof or this could substantiate the
9 story.

10 On the back of this card on one side was a menu
11 mimeographed on the card, the kind of thing you would set
12 up on one of these little specials for a day for a restaurant.
13 It said, "fish cakes and carrots," and what the dessert was.
14 But on the back was a Russian name. And I believe it said
15 "Russian Consulate," something like that, "Gauge of
16 workmen."

17 And he pointed this out, that this was relevant
18 to this one incident. This might be the name of one of
19 the Russians that contacted him. And this might be the
20 first independent proof we have that had been found in the
21 files.

22 I mentioned this, that this was something that
23 could be followed up. It became one of those things which
24 happens several times, just, well, stick it in the files and
25 it just sort of, you know, fell over. And that was it. It
26 was a few times because as an investigator, this is the kind
27 of thing I would like; you find something and that is when
28 you pursue it. That is when you go after it. Once you find

1 something, that is the one little piece that will give you
2 part of a puzzle. But I couldn't get him to go on some of
3 these pieces.

4 Q You weren't working directly on trying to do
5 research into Mr. Hubbard's life?

6 A No. My first responsibility was the biography.
7 And in my spare moments, I worked on --

8 Q When you say "the biography," do you mean the
9 contract?

10 A The contract, debug, with Mr. Garrison.

11 In my spare moments I began to get more involved
12 in the archives.

13 MR. LITT: Now, somebody seems not to have brought my
14 set of exhibits today, Your Honor. So I'm a little in the
15 dark on a particular exhibit number. I have the copy here.

16 I'll go to another subject and then come back
17 to that.

18 Q Mr. Young, showing you exhibit EEE, do you
19 recognize that exhibit?

20 A Yes.

21 Q And have you seen it before?

22 A Yes. But only the top page or the first page.
23 It is a two-page exhibit.

24 And when I -- what appears to be -- this was only
25 the first page and not the second.

26 Q When you saw it you only saw the first page?

27 A Just the first page. The second page was not
28 attached.

6-3

1 Q Where did you see the first page?

2 A In D.C.

3 Q That is Washington, D.C.?

4 A Washington, D.C. a few months ago.

5 Q And did somebody show it to you?

6 A Yes.

7 Q Who was that?

8 A Michael Flynn.

9 Q And what were the circumstances?

10 A We were on a TV show. And we were invited on
11 to this TV station.

12 We had done a TV show in Boston and then we had
13 gone down to D.C.

14 There was myself and Mr. Flynn and an attorney
15 from Boston, Harry Silverglate and Ron DeWolfe.

16 And just before a commercial break Mr. Flynn had
17 pulled it out and said very emphatically, he said, "They even
18 have a list of enemies" -- and he waived this document --
19 "of which I am on the top of the list."

20 And at that moment the lady that was hosting the
21 show that was one of those that sort of wandered in the
22 audience said, "Okay. We'll take a commercial break right
23 now."

24 I was sitting next to Mr. Flynn.

25 I said, "What is that you are talking about?"

26 I pulled the document over and looked at it and
27 said, "Come on. That is an index list. That is what they
28 used to file my subject. That is no list of enemies. You

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1 know that."

2 Mr. Silverglate was there. He said, "Well, so
3 it is a CIC sheet."

4 And it was sort of like pushed away.

5 And I said, "Come on. Give me a break."

6 It wasn't what it was being purported to be on
7 the TV show by Mr. Flynn.

8 MR. LITT: Could I have marked next in order three
9 pages, Your Honor, two of which are documents that have
10 "EU's" on them and one of which is a newspaper article
11 attached as our next in order?

12 THE COURT: 88, double 8.

13 MR. LITT: No. 88 has three pages to it. The first
14 page --

15 Q Will you look at the first page which has at the
16 top the words "X mark" and on the right-hand side has numbers
17 20/11/80/28; is this an index sheet?

18 A Yes, it is. It was used for the cross-filing
19 of documents.

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1 Q All right, and it relates to a newspaper
2 article?

3 A Yes, in fact, you have given me three pieces
4 of paper, and this first sheet should actually be by itself
5 because you can see at the bottom of the page the article
6 sticking out which is, you can see the first two letters
7 down at the bottom left says A N, and at the top of the page
8 says Anaheim Bulletin, so that is the beginning of the
9 article of the Anaheim Bulletin.

10 Q But what we have here doesn't have the whole
11 article; right, as far as you can tell?

12 A No.

13 Q So when it says subject: Anaheim Bulletin,
14 that refers to something that the index sheet relates to?

15 A That is your primary subject. In this case
16 they did not pick the subject of the story. They just picked
17 it for the newspaper where it appeared.

18 Q Now in the right-hand column list there are
19 various names mentioned. Well, underneath the word "subject"
20 there are various names mentioned and there are columns
21 next to them with the letters EUS; do you see that?

22 A Yes, I do.

23 Q And was this particular article one that had
24 to do with the case between the Internal Revenue Service and
25 the church?

26 A Yes. In fact, on the sheet there is a
27 summary which is quite often that would be done unless it
28 was too lengthy. It says, the second line it says, "straight

1 write up of the church's suit against the IRS from Scientology's
2 point of view."

3 So there was an article about it and then they
4 have a bit of a summary of what the article contains. It is
5 one that would be considered favorable from the church's
6 point of view article.

7 Q I note there is EUS listed next to all the names
8 listed here. Let me start out with the name Robert Harris;
9 who is that?

10 A Robert Harris is counsel right now, one of the
11 counsel in this proceeding.

12 At that time he was a church counsel handling
13 the litigation with the IRS.

14 Q I take it that the designation EUS didn't
15 mean that Mr. Harris was an enemy?

16 A Perhaps only if his bill was too high. I
17 mean that only in jest.

18 Q Right, I understand.

19 A No. It was not. The EUS was not.

20 Q There are also names of various organizations
21 here which are mentioned as having supported the church's
22 position in the IRS suit; is that right?

23 A Yes.

24 Q And that includes the National Council of
25 Churches which is No. 3 and the Baptist Joint Committee of
26 Public Affairs, and the United Church of Christ?

27 A Yes.

28 Q And I take it that the EUS means -- it is a

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1 reference to non-church; is that what it means?

2 A External outside of the church. That is why
3 Mr. Harris, Anaheim Bulletin et cetera -- even though
4 Mr. Harris was employed by the church as an attorney, he
5 was still not a staff member or a parishioner of the church.
6 Therefore he was outside the church.

7 Q And showing you the other two pages that are
8 part of exhibit 88, this relates to an article, this CIC X
9 mark sheet relates to an article that was in the Alameda
10 Times Star?

11 A Yes.

12 Q And this is also an article about the IRS
13 suit; do you know?

14 A This was the story about a very loose coalition of
15 religious groups and how they had been working for First
16 Amendment rights as an organization loosely put together
17 called First Freedom, and so they were all allied together
18 under this particular constitutional interest, and the
19 church was just one of the groups.

20 Q And so this article was about a coalition of
21 groups, of which the California church or the Church
22 of Scientology was one, and there were many other churches
23 that were part of the coalition as well?

24 A Yes. In fact, the story itself is about the
25 coalition more than it is about any one particular church.

26 Q And again the CIC sheet has all of the members
27 of the coalition listed with the designation EUS next to
28 them; is that right?

1 A That is true.

2 Q And these organizations were members of the
3 coalition that the Church of Scientology was also a part of?

4 A Yes.

5 Q What is the purpose of it, having all of this
6 indexing going on some simple little newspaper article?

7 THE WITNESS: It was a manual system, sir, on which
8 basically one would take like an article because the
9 difficulty is sometimes, I know I deal with this, you can't
10 remember to find something. You might want to be able to
11 find something by subject.

12 THE COURT: Well, do you audit every newspaper for
13 any article that might relate to religion and then go
14 through this exercise with it?

15 THE WITNESS: No, sir. Quite often, like the church
16 was involved in a number of organizations, and so we might
17 want to go back and we say let me find all the cases that
18 Dean Kelly, which is one of the names mentioned in the sheet,
19 we are going to put together something. We are going to
20 find all the cases where he spoke about a First Amendment,
21 and since we didn't have a computerized system, it would be
22 a way to find all the cases where we worked with the
23 National Council of Churches.

24 Basically, it was the way you could locate
25 your information because there was a number of publications
26 that would be put together. You could use this to write
27 stories and articles. It was just basically a way to access
28 it because there was tens of thousands of newspaper stories

1 alone. It got to be somewhat bulky because we ended up
2 making 20 copies of everything and putting it in 20 different
3 files, but it was a way we could retain it.

4 THE COURT: All right, go ahead.
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1 Q BY MR. LITT: Showing you exhibit 68, Mr. Young,
2 do you recognize that?

3 A Yes, I do.

4 Q And while you were in the archives area and while
5 Mr. Armstrong was still in the archives area was there sent
6 to the archives area a draft of that document?

7 A Yes, there was.

8 Q And was it sent there for purposes of having it
9 reviewed for accuracy and, if possible, for other
10 suggestions?

11 A Yes. And is it accurate?

12 A Yes. I had an occasion to read this over, I think
13 it was last week, about seven or eight days ago. And it is --
14 I wouldn't change anything in it right now. And it is a nice
15 little booklet.

16 Q What was the purpose of this particular booklet?

17 THE COURT: If you know.

18 THE WITNESS: I do know, sir.

19 There was a need for a write-up on Mr. Hubbard
20 which would be something other than a piece of paper or
21 appear in another publication so you could lift it out, you
22 know, put it in an envelope; take it to a large meeting; hand
23 it to someone. There was nothing that was sort of like a
24 small carriage in this way. So that this was put together
25 for this purpose. And it could be used internally to the
26 Church and externally to the Church.

27 So it was drawn up for that specific purpose and
28 to sort of bring it together in one place in a fairly lengthy

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1 fashion other than, say, just a few paragraphs.

2 Q And this book, this document that was sent for
3 review was designed to be published as a separate booklet;
4 is that right?

5 A Just as it appears here.

6 It was to be its first format as its own little
7 booklet which was as it says here was copyrighted 1981 and
8 published right at the end of 1981.

9 Q And was -- if you know, was that booklet designed
10 to be the main piece of literature that would be available
11 to the Church to distribute broadly as a document describing
12 Mr. Hubbard's background?

13 A Yes. It was intended to serve as widely as
14 possible. That is why it was published in this way.

15 Q Now, in some point Mr. Armstrong left the -- left
16 his archives post and you were still working down in the
17 archives area when that occurred?

18 A Yes, I was.

19 Q And did you, for at least some period of time,
20 try to sort of pick up the pieces, shall we say, of the
21 archives?

22 A Yes, I did.

23 Q And how long was that?

24 A For a few months, from immediately -- I was
25 there -- I believe I was the last person that saw Gerry.

26 His wife even mentioned a little before 6 o'clock
27 that night, "Did Gerry see you?"

28 I said, "No."

1 That was it.

2 Later that evening I got a call that he had
3 apparently left. And that was the last anyone had seen him
4 on the Church premises until he came back. But I continued
5 there that evening and continued on the next day.

6 Q And in picking up the archives post did you also
7 continue to work on some of the other things you were
8 responsible for?

9 A Yes. It was a little bit difficult because now
10 there was -- you just didn't sit in there and file. There
11 was -- people would send requests in. So now I had to do
12 that and other matters that involved that area. So it was
13 difficult, but I tried to carry them all.

14 Q Did you have any contact with Mr. Armstrong after
15 he left his post?

16 A Yes, I did.

17 Q Do you remember when the first time was, as best
18 you recall? Can you give it an approximate date?

19 A Oh, it would be about 10 days after he left,
20 about then.

21 Q And was that a telephone call, or in person?

22 A The first was by telephone call.

23 He was up in the Portland area. He didn't say
24 that, but I had offered to call him back. He said it wasn't
25 a personal expense to him. He allowed it at that point in
26 time. And it turned out it was up in the Portland area.

27 I had a lot of questions. I had written a letter
28 to him; he had left a letter when he had left and said,

1 "You can contact me at. . ." and he left an address.

2 Because he had just walked out. There were
3 cabinets with combination locks on them. I didn't know what
4 the combinations were. I didn't know where certain things
5 were. I was getting requests.

6 He had just walked out. He hadn't left anything
7 except basically a good-bye note.

8 I had sent letters to him trying to spell out
9 my questions.

10 When we spoke, I asked him the questions, What
11 was the combination to this lock; where can I find this
12 particular file.

13 Q And when was the next time you saw him?

14 A The next time he called in again and we ended
15 up having a meeting up on Sunset Boulevard, Sunset and
16 Vermont at a restaurant called "The Grinder."

17 Q And who was that meeting with?

18 A That was with Gerry, his wife, myself and
19 Barbara DeCelle.

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1 Q And did you get any impressions at that meeting
2 about Mr. Armstrong's attitude toward Scientology or toward
3 Mr. Hubbard?

4 A He was clearly bitter. It was hard to get
5 even the substance of the conversation. It wandered, but it
6 was bitter and the representations that were being made
7 were -- let me just say they were difficult to deal with.

8 Q At some time subsequently did Mr. Armstrong
9 come into -- back into the church, into the archives area
10 and pick up some belongings of his?

11 A Yes he did.

12 Q And by that time had you had the opportunity
13 to try to go through the archives materials and attempt to
14 sort it out, sort them out?

15 A I have spent as much time as possible going
16 through the files and the folders to just be able to find
17 things whenever people had a request, and as I said, there
18 was -- it was based upon a memory system so I spent a lot
19 of time trying to read more. I had already read a lot before
20 he had left, but now I specifically went through the files
21 to ascertain what was there.

22 Q In the course of this visit by Mr. Armstrong
23 to the archives area, did you have any discussion with him
24 concerning a letter of Mrs. Hubbard's that appeared to be
25 missing?

26 A Very specifically. Barbara DeCelle had mentioned
27 it to me and asked if I had found this and I said well --

28 Q Let me interrupt. This is a letter that was

1 described to you as a very private letter of Mrs. Hubbard's
2 from the early '50's?

3 A Yes. She said that it was handwritten,
4 apparently ballpoint pen, very personal nature, in an
5 envelope and that Gerry had it, and that -- if I saw or
6 spoke to Gerry, to specifically ask him for this letter.

7 So, when he arrived, I specifically asked him
8 about the letter because that was one that was of concern to
9 Barbara to try to find.

10 Q And when you asked him about this letter,
11 did you ask him if he had it or if he knew where it was?

12 A Well the first time -- he had come in to
13 pick up a small cabinet and a few of his personal papers
14 that were sitting in this little work area, and I very
15 specifically asked him because I believe Barbara had also
16 said she thought it might be in this little cabinet, and I
17 specifically asked him if he knew about this letter, and
18 I ended up having to ask him four separate times because
19 each time the question was being like evaded, and he says,
20 "Well, look, I have just come in here to pick up my stuff.
21 I am really busy."

22 I said, "Gerry, there is this letter. We
23 are trying to find it."

24 Now, I had not read the letter or seen it, and
25 I had to ask him again and he kept avoiding the question,
26 which is what I couldn't understand.

27 Gerry, whenever you would ask him something
28 about, "Where is the file on flowers?" Or "Where is the file

1 on anchors?" Or any subject, and he would be able to say,
2 "It is in the third cabinet in the third filing drawer. It
3 is in the back."

4 This one was very unusual, a different way
5 that he would respond. So he just wanted to evade it and
6 finally about the fourth time he said, "I don't know. I
7 don't know anything about it. I just want to get my
8 material and leave."

9 And clearly he didn't respond.

10 Q Was a search of the archive area done to
11 try to and locate that letter?

12 A As well as possible. You have to understand
13 that there was a lot of filing cabinets and a lot of paper,
14 but as well as we could, yes.

15 Q And did Mr. Armstrong give you the impression
16 that he himself did not have that letter?

17 A He gave me the impression he knew nothing
18 about the letter whatsoever, and that was the final and fourth
19 attempt when he says, "I really don't know anything about
20 it."

21 At that point I had to go back to Barbara and
22 I said, "He doesn't know anything about it."

23 And she said, "That is not true."

24 Q Now, when did you next see Mr. Armstrong?

25 A The next time I saw him was at the home of
26 Mr. Garrison, a place that he was renting in Costa Mesa.

27 Q After Mr. Armstrong left, among your duties was
28 to be in communication with Mr. Garrison and work out any

1 continuing arrangements on the biography?

2 A Yes.

3 Q And was this meeting where you next saw
4 Mr. Armstrong, was this in Utah or in California?

5 A It was in California down at Costa Mesa.

6 Q At Mr. Garrison's apartment?

7 A Yes.

8 Q And what was the purpose of the meeting?

9 A I don't recall if I had mentioned earlier, but
10 I had made these three by five cards that there was about
11 250 of them of all these different binders as well as what
12 else I remembered, and I specifically went down to see
13 Mr. Garrison and specifically told him I wanted to go over
14 with him to find out what Mr. Garrison had since I had no
15 inventory of what Mr. Garrison had been given, and I wanted
16 to go over this with him to see if I could find out and I
17 was using these cards as my guide by the name of the binder,
18 and so I wanted to simply ascertain what he had in his
19 possession and what he did not.

20 Q And did you expect Mr. Armstrong to be at the
21 meeting?

22 A No I had no reason to think that he would be
23 there or not be there. I was very surprised when he showed
24 up about a half hour later, but when I thought about it later,
25 I wasn't surprised.

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0-1 1 Q Approximately when was this meeting?

2 A The end of February, 1982.

3 Q Did you get any impressions from Mr. Armstrong
4 as to the attitude toward Scientology or Mr. Hubbard in this
5 meeting?

6 A Very much so.

7 Q Why don't you tell us what happened after
8 Mr. Armstrong arrived at the meeting?

9 A The conversation became -- it is difficult to
10 describe, but it became very bizarre. It got so bizarre that
11 at one point Mrs. Garrison, who was in the kitchen, did
12 something she had never done before.

13 She had come -- she came in; I was sitting on
14 a couch with my wife and Mr. Garrison and Gerry were sitting
15 across from us.

16 It was a fairly small room, but about as far as
17 from where I am to the court reporter, maybe about 10 feet.

18 And Mrs. Garrison came in and sat on the arm of
19 the couch where I was and looked over to Omar and Gerry and
20 said, "Now" -- she was speaking mainly to Omar because he
21 was her husband. She said, "Let's just calm down, Omar.
22 He is just trying to do his job. Let's not get that way."

23 The conversatin had gotten totally outlandish
24 to where I was simply -- everything that I could do to simply
25 carry out my job because there was the most obscene remarks
26 that were being made that I could only describe as basically
27 pornographic, obscene, in which there were statements being
28 made about peoples'names.

1 Q When you say "statements," do you mean plays on
2 words?

3 A Characterizations.

4 For example, one I would cite, for example, the
5 gentleman that testified yesterday, Lyman Spurlock. His name
6 was being characterized as "Hymen Spermloss." And they would
7 sit there and laugh and cackle.

8 David Miscavige had become "David Miscarriage."
9 And there was one tasteless -- it was the sort of thing that
10 was so tasteless that it was all I could do to just sit there
11 and say, "Listen, Omar. I just want to get through this."

12 And that is when Mrs. Garrison -- it became loud,
13 raucous. As I said, it was bizarre, the remarks that were
14 being made about Mr. Hubbard and others were beyond criticism;
15 just into the area of --

16 It is hard for me to put it into words, but when
17 somebody starts laughing and characterizing somebody else's
18 name in a way that could be considered obscene, it was just
19 difficult.

20 That is when Mrs. Garrison came in and tried to
21 quiet it down.

22 Q All right. Now -- by the way, I am not sure I
23 asked: You presently work at the Author Services; is that
24 right?

25 A Yes, I do.

26 Q At some point in the -- recently were you asked
27 by me and other attorneys working on this case if you could,
28 in light of the issues in this case, do some research into

1 areas of Mr. Hubbard's life that Mr. Armstrong has testified
2 about in this proceeding?

3 A Yes.

4 Q And approximately when was that?

5 A I guess it would be about four weeks ago.

6 Q Prior to that, other than a general familiarity
7 with the archives, had you actually done any extensive
8 research on your own?

9 A Not as I would call it in my profession, what
10 I would call intensive, which means weeks or months at a
11 time.

12 I had done some along the way and continued to
13 gather it whenever I could.

14 Q As a sort of side activity, more or less?

15 A Basically, since I have got a lot of other things
16 that I was working on.

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1 Q And in connection with undertaking this effort,
2 have you reviewed Mr. Armstrong's testimony in this case
3 and the testimony that he's given concerning the documents
4 under seal?

5 A Yes, I have.

6 Q And have you had some limited opportunity to
7 review the documents under seal?

8 A Very limited. Just -- not what I would
9 like to spend, but I have had some hours, yes.

10 Q Now, Mr. Armstrong has testified about a whole
11 range of things concerning Mr. Hubbard's life. Have you
12 had an opportunity to do your own research into all the
13 things that he's talked about?

14 A Not in just a few weeks' time; not all the
15 things, no.

16 Q And did you instead pick some selected areas
17 as representative examples?

18 A I had to narrow it down to just a few areas
19 which were determined by how many statements were made
20 about it and also the accessibility of records that could
21 be obtained or information that could be obtained in a shorter
22 amount of time.

23 Q And did you have any people who were available
24 to assist you in some of this research activity?

25 A Yes, I did.

26 Q And what areas did you pick to try to do some
27 research into?

28 A Well, one of the main areas was Mr. Hubbard's

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1 Naval career.

2 Q Now, taking the Naval career for a moment,
3 you have not been able to research all of the Naval career;
4 is that correct?

5 A That would require obtaining documents from
6 overseas, for example. We have been able to obtain additional
7 records, but in a short amount of time there's still more
8 work that has to be done.

9 Q All right. Well, let's take the Naval career.
10 Did you pick certain things to try to research?

11 A Yes, I did.

12 Q And what were those?

13 A Well, if I just may back up for the moment.
14 The first thing we had to do because the records that were
15 under seal in the archives were not -- as far as I could
16 work them, weren't in a proper chronological order. We
17 put them into chronological order and then we put them on a
18 word processor computer so at least we could go back and
19 keep inserting this. We didn't have to work with paper.
20 I personally did that. I did all that typing on that.

21 The printout, I don't know how long it is now,
22 but it is quite extensive. At that point then we could
23 begin to see that there were gaps because the way you do it,
24 you begin to put in even where there is no information
25 say for a month, you just put the month on the word processor,
26 so you would begin to see if there is like eight months named,
27 you could see suddenly there is no information named.

28 If you sit there with paper, you can't tell.

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1 You flip through, it looks like it is very, very complete,
2 but if you go back and go through it like a detective, you
3 can look down and there is certainly eight months missing,
4 and now in one month you have 200 entries. When you just
5 sit there with a paper, it looks like you have got a lot
6 but when you do it that way, you could see that there were
7 periods missing, so what we do is we took him by his main
8 stations, a couple of the ships that he was on, a couple of
9 main locations because there were some locations where
10 suddenly there would be a flurry of paper and other cases there
11 would be suddenly be an absence of anything.

12 So, combined with that, coupled with knowing
13 or I could go, we began to select out certain areas that we
14 could concentrate on.

15 Q All right. So as I understand it, you chose
16 because it was manageable in the time frame that you had
17 to at least try to do some further research into Mr. Hubbard's
18 station, places he was stationed or ships he was stationed
19 on?

20 A Yes.

21 Q And what did you do?

22 A When I say "you" there were -- there was a
23 person working, assisting you; is that right?

24 A Yes.

25 Q So when I use the word "you" here, I am
26 referring to you collectively.

27 A Well, we met every day and there was a few
28 times I put in for about 10 days or 2 weeks solid, I would

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1 put in a full day's work going through all the documents
2 so then I could then point out to the person what to do.

3 Q Now you had to familiarize yourself with the
4 documents that were already in the archives as part of
5 this; is that right?

6 A Yes and also refamiliarize. I had read some
7 of it before.

8 Q After familiarizing yourself with these, what
9 kind of inquiries were made to try to get further data?

10 A Well, one of the first places we went to,
11 which is the most obvious, is you go to Naval Archives, so
12 we went to Naval Archives. It is not a difficult task.
13 People that work in libraries and archives, they are the best
14 people to work with. They love people to come in and ask
15 questions and to help them demonstrate their knowledge. So
16 I just had somebody in D.C., in Washington D.C. check up
17 with Naval Archives and start making the requests, and that
18 is when we began to get the information.

19 Q And had Mr. Armstrong ever contacted Naval
20 archives?

21 A It had never been named to me specifically that
22 he had gone to Naval Archives and I never saw any documents
23 that were indicated from Naval archives. I don't know if
24 he ever called them or not.

25 Q From your familiarity with the archives materials
26 that Mr. Armstrong had collected, most of those were materials
27 that had been actually gathered by someone else and was
28 stored someplace and he obtained them from those people;

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1 is that correct?

2 A There was, with the documents, what has been
3 called the Naval documents, which were -- Gerry pointed
4 them out to me one time in the archives. They were sitting
5 over on the floor just sort of stacked. They weren't even
6 in the cabinets.

7 I remember one time he pointed them out before
8 they got finally thrown in some binders. He said, "Those are
9 the Naval records."

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12 1 From what I could ascertain they were primarily
2 from the Veterans Administration. They weren't from Naval
3 Archives.

4 They had been gathered by others and there were
5 cover dispatches and cover letters often by those who had
6 gathered them.

7 Q Now, were any other activities done in addition
8 to contacting Naval Archives?

9 A Yes. That was -- that is where you pursue it
10 on in this type of work.

11 I tried to distinguish what I considered research
12 and investigation. It is my own distinction, but it is
13 something that I found in the profession that we
14 distinguish.

15 Research is where you simply go out and like
16 to a library and gather information. You go into a court
17 and pick up a bankruptcy file. It is basically your first
18 level of data information gathering.

19 Once you have that and you find certain things
20 of interest, then you begin to pursue those things.

21 That card I had mentioned earlier, now, you begin
22 to investigate and see what you can find out.

23 So once the information had begun to be gathered
24 from Naval Archives, we had something to follow.

25 We got crew lists, action reports. We began to
26 pursue individual instances to try to trace different people
27 to see if we could find anything.

28 Some cases, the easiest thing in the world,

1 you just call telephone information and there they are.

2 MR. LITT: May I have exhibit 60, please?

3 Q Showing you exhibit 60, is this something that
4 you obtained from the Naval Archives?

5 A Yes. This is the action report of the PC 815
6 on which Mr. Hubbard served in 1943 which was on file with
7 the Naval Archives.

8 Q Now, Mr. Armstrong has said that Mr. Hubbard was
9 never involved in any combat; do you recall that from his
10 testimony?

11 A Yes, I do.

12 Q Does this Action Report indicate combat
13 activity?

14 MR. FLYNN: Objection, Your Honor.

15 THE COURT: Well, he can express an opinion.

16 I'll overrule the objection. The witness can
17 express his opinion as to whether or not in fact there was
18 combat. I guess we can look at all the evidence in the
19 record on that and draw our own conclusions.

20 THE WITNESS: The top page is "Anti-submarine action
21 by surface ship report of."

22 Action reports were reports that were filed by
23 the ships, by military personnel when there was anything that
24 was an engagement of that type as opposed to what one might
25 consider nonaction activity.

26 Q And were you able to locate any of the crew
27 members of the PC 815 who were involved in that incident?

28 A Yes, we were.

1 Q What was that gentleman's name?

2 A His name is Mr. Moulton, M-o-u-l-t-o-n, Captain
3 Moulton.

4 Q And had Mr. Armstrong ever contacted him to find
5 out whether Mr. Hubbard was involved in combat?

6 A According to Mr. Moulton, no one else had
7 contacted him before we had contacted him.

8 Q Was Mr. Moulton the second in command under
9 Mr. Hubbard of the PC 815?

10 A Yes. He was the chief officer of the 815.

11 Q All right. Now --

12 A By the way, if I may clarify, "Captain" is
13 currently the proper title from the merchant marines. It
14 was not his rank at that time.

15 Q Now, have you reached some conclusions based upon
16 the preliminary efforts that you have been able to make about
17 the thoroughness of Mr. Armstrong's research with respect
18 to Mr. Hubbard's Naval career?

19 MR. FLYNN: Objection, Your Honor.

20 THE COURT: I'll sustain the objection.

21 Q BY MR. LITT: In having looked at this area now,
22 in your judgment what additional areas of research remain
23 to be done to answer fully questions concerning Mr. Hubbard's
24 Naval career?

25 A Well, first of all, the Naval documents that were
26 on file in the archives do not reflect Mr. Hubbard's Naval
27 career.

28 My life for 13 years has been working with

1 documents. I have obtained from the Federal government tons
2 of thousands of documents under the Freedom of Information
3 Act as well as having worked closely with National Archives
4 and others.

5 You have to know what to pick up.

6 A person's Veterans Administration file is not
7 their Naval career. It is their Veterans Administration
8 file.

9 It would be like saying you are going down to
10 the bank and pick up a person's bank statement. That would
11 not give you anything more than a bank statement.

12 Action reports and what a person did in the Navy
13 are not in Veterans Administration files; nor are they, say,
14 in his pay file. It is a very incomplete picture that one
15 draws.

16 An action report is never filed with a man's
17 personnel records. It is filed with the ship records.

18 So that if you wanted to find out what a person
19 did during a particular tour of duty, if you look at his
20 personnel file, you'll see that he was assigned to Chicago
21 or he was assigned to Paris, France. That is about the end
22 that you will find at that point. You begin to only
23 speculate.

24 But then if you find out what was going on at
25 that period of time, what the person was engaged in, you have
26 to find that out from other places; otherwise, it is too early
27 a conclusion to draw as fact.

28 And there are a number of areas that still have

1 to be developed that we already have a number of fascinating
2 leads about that I can expand upon if you want.

3 But the point is that this is what gives you
4 combat.

5 If a person, for example, were to say I was in
6 Paris, France, you have to find out what year it was; was
7 it the year that the Nazis were tramping into France, or was
8 it a year, last year or something, when you were there for
9 a celebration or a vacation.

10 Q Did Mr. Armstrong, from what you could determine,
11 do any follow-up at all on these documents that were handed
12 to him with respect to Mr. Hubbard's Naval career?

13 A He never discussed any with me.

14 To the contrary, he mentioned a couple of things
15 that I had urged him to follow-up. There were several
16 documents. I told him, "Gerry, that would be easy."

17 I told him how he could find officers. Naval
18 officers are very easy to find. That is true with Army
19 officers as well. But the commission is passed upon by the
20 Congress. Every time a Navy officer gets an advance in rank,
21 basically, there is an act of Congress.

22 There are Naval Archives; there are so many
23 places you can walk into to find a Naval officer.

24 I am not saying it is the easiest thing in the
25 world, but, at least, there are certain attempts one can
26 make.

27 And once you know where a person is stationed
28 and if a person had a high enough rank, if you're dealing

1 with persons of high rank then you can pick them up from the
2 New York Times or from biographies. There are so many places.
3 And I had urged Gerry to do this.

4 Q Can you be concrete? For example, what
5 conversation do you recall urging him to do things?

6 A Well, for example, the card that I mentioned was
7 one. That was very -- I remember it very particularly
8 because we had never had anything in that area as far as the
9 Russians contacting Mr. Hubbard.

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1 Another instance that he had, he brought to me
2 a document with somebody's name on it, and the name was
3 that of Thompson, and there is a Thompson that Mr. Hubbard
4 had referred to a number of times.

5 Q Now, this Thompson, has Mr. Armstrong stated
6 that this was an example, this Thompson person was an
7 example of misstatements by Mr. Hubbard?

8 A Yes.

9 Q All right, you were talking about you had a
10 discussion with Mr. Armstrong about this Mr. Thompson?

11 A Well, Gerry brought it in. He used to
12 occasionally -- I'd be sitting at my typewriter and he'd
13 bring things out of the file and come show me different
14 things that were of interest, and he brought in -- he said,
15 "You know, by the way, there is this Lieutenant Commander
16 Thompson that Mr. Hubbard refers to quite often. Well,
17 I have got a name here on a Naval record of a Thompson."
18 And he showed me this name and I said, "Well, look it, this
19 is what I was basically referring to when I say how you find
20 a Naval officer."

21 I told him, I said, "Well, look it, there is
22 ways that you can do this, start tracking it down in D.C."
23 It just fizzled at that point. Nothing else was done.

24 Q So, Mr. Armstrong never did anything to try to
25 find out about this Thompson person?

26 THE COURT: Was this all between November 1 of '81
27 and December 11 of 1981?

28 THE WITNESS: Yes, sir. We spent sometimes 15, 16 hours

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1 down there together, and so that is like a double day for
2 most people or in some cases a triple day. He was there
3 until 11 o'clock at night, sometimes later with me and we'd
4 start at 9 o'clock in the morning.

5 Q BY MR. LITT: Now, you have tried to do some
6 checking on this Commander Thompson; is that correct?

7 A Yes.

8 Q And you haven't been able to run everything
9 down; is that correct?

10 A That is correct.

11 Q But have you in this month period that has
12 been available to you, have you been able to find out
13 anything about the question of Commander Thompson?

14 A I haven't been able to do the final confirm on
15 it yet. It is not what I would call in my profession a
16 hundred percent confirmed, like I would say this is an action
17 report of the PC 815.

18 I wouldn't be able to give a definitive
19 statement. I may be able to in a day or two.

20 Q What additional information that Mr. Armstrong
21 never located have you been able to find on this subject
22 on the month you had available?

23 A Well we have been able to find a number of
24 Thompsons that were in the Navy and right now it is running
25 about 98 percent certain that we have our Commander Thompson,
26 all the way down to the cat.

27 Q When you say "down to the cat," what are you
28 referring to?

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1 A Mr. Hubbard mentions that Commander Thompson
2 had a cat that he used to train and the Commander Thompson
3 we found willed over his cat in his Will.

4 Q In Commander Thompson's Will?

5 A Yes, but I say I wouldn't want to give a
6 definitive answer. We have to speak to the surviving
7 relatives.

8 THE COURT: Why don't you talk to Mr. Hubbard?

9 THE WITNESS: Because, sir, in my line of business
10 right now, what's in conflict is Mr. Hubbard's word, and
11 what I like to do is deal with documents.

12 THE COURT: Wouldn't you like to ask him about
13 whether there are any of these things that he can explain
14 or help you find Thompson or whether there is combat or not
15 combat? Wouldn't that be of help to you?

16 THE WITNESS: Not as much help as the number of
17 documents and other people because the nice thing when we
18 finally can confirm a document, because they are better than
19 one's memory because they do give us greater expertise.
20 I have reports here of Mr. Moulton who I have also spoken
21 to.

22 THE COURT: We will take a 15-minute recess.

23 (Recess.)
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1 THE COURT: All right. We are back in session. The
2 witness has retaken the stand.

3 State your name again for the record, sir. You
4 are still under oath.

5 THE WITNESS: Vaughn Young.

6 THE COURT: You may continue, Mr. Litt.

7 MR. LITT: Thank you, Your Honor.

8 Q Now, Mr. Young, you said that you had been able
9 to find out some further information about Commander Thompson;
10 had Mr. Armstrong followed up on any of this information?

11 A Not that I could ascertain either from discussions
12 with him or from statements he has subsequently made.

13 Q Now, one of the things that Mr. Armstrong has
14 raised in connection with Commander Thompson is that
15 Mr. Hubbard had said something about Commander Thompson
16 having studied with Freud; have you been able to find anything
17 out about that?

18 A Well, as I said we are still a bit inconclusive
19 now because we have to interview survivors, next of kin,
20 basically.

21 But the gentleman that we are fairly certain
22 is Commander Thompson did study with Freud; in fact, we have
23 even found correspondence from Freud to him in Washington,
24 D.C.

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1 Q In the Freud archives?

2 A Yes.

3 Q Had, from what you could determine, Mr. Armstrong
4 ever made any inquiries into the Freud archives?

5 A He never informed me of any such archives.

6 Q Is there anything in the archives indicating
7 any such inquiry?

8 A No.

9 Q All right. Now, would you consider the
10 research that you have done at this point to be only
11 preliminary research?

12 A Oh, most definitely. In this type of work
13 the more you get, the more questions you sometimes have to
14 ask because, for example, with Freud being in the United
15 States when he did, he came over in the early 1900's and
16 gave a series of lectures and set up an institute, and one
17 would want to know more about it because it is more --
18 you don't just scoff at a certain point. You want to be
19 able to understand the particular topic or the issue. So,
20 there is a lot more questions that I would be asking that we
21 are going to be following up in the time to come.

22 Q Now, was another area that you looked into was
23 Mr. Hubbard's eye problems or physical problems after the
24 war or resulting from the war?

25 A Yes.

26 Q And I take it on this also you have not
27 been able to do a thorough research job at this point?

28 A Well the first thing is that in the records

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1 which are under seal which Mr. Armstrong had provided, even
2 in there it says that the likelihood of this officer's medical
3 records being incomplete, that is within the records
4 themselves as well as being able to piece together the
5 rest of the records and fill them in, there is quite a bit
6 of work because you are covering a span of the actual records
7 of a period of anywhere from five to seven years, so it
8 is quite massive, but we have been doing some work on it.

9 Q And what kind of work have you done in the
10 limited time you have had?

11 A Well, for example, I interviewed doctors
12 because there is a great many medical terms that are in
13 there that I couldn't follow and I wouldn't want to try to
14 ever interpret. Following the doctors and asking them as far
15 as what these particular terms mean, all the way to speaking
16 with Captain Moulton, as far as a person who was with
17 Mr. Hubbard at the time.

18 How was his behavior. As far as followup that,
19 for example, I spoke to somebody that was with Mr. Hubbard
20 in 1946 after the war, so that you can get someone to say,
21 "Well, what was he doing? How was he reacting with his eyes?"
22 So you get another person's input, correlated with the records,
23 correlated with first-hand accounts, and then being able to
24 piece this together with doctors' reports so you can come
25 up with it.

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16 1 The difficulty that the records, the Veterans
2 Administration records have is that they are sometimes quite
3 dry. It is like a medical report will give you a pulse rate,
4 temperature, et cetera. But it doesn't describe often enough
5 how the person feels about themselves.

6 So that the person says I feel very, whatever
7 word might be used, they will sometimes be very dry.

8 So we tried to fill this in with first-hand
9 accounts and how other people saw him.

10 Q And what have you been able to learn about
11 whether or not Mr. Hubbard had serious trouble with his
12 vision?

13 A In speaking with an optometrist, ophthalmologist,
14 medical doctor, coupled with, for example, Captain Moulton,
15 who was with him on the PC 815, he had eye trouble. He had
16 what is called photophobia, which is an extreme sensitivity
17 to light.

18 The conjunctivitis was described to me as the
19 watering of mucous coming up in the eyes, inflammation of
20 the lids.

21 Also, I can't speak to it, but there was a
22 deterioration that could be seen as far as the vision eye
23 test, constant use -- having to use sunglasses; that he used
24 sunglasses quite often, even in the evening on a ship when
25 there happened to be bright lights; that he was very
26 hypersensitive to this; that if there was any light, he would
27 become blinded.

28 This was what Captain Moulton was relating when

1 he was on the PC 815.

2 Q What about any physical disabilities that made
3 him lame or have difficulty walking or anything like that?

4 A Well, first of all, there is one reference in
5 the documents themselves, in the sealed documents with one
6 doctor -- the only doctor who describes how he walked; the
7 rest of the doctors just got into tendons and bones and
8 calcium deposits.

9 One doctor's phrase in there was, "This man walks
10 with a hobbled gait."

11 All you can speculate about as far as a hobbled
12 gait is clearly a shuffling of feet forward as if your feet
13 were hobbled like a horse. There is that clear reference
14 in there which described how he walked.

15 Q Now, was another area that you chose to try to
16 do some research on at the time that you had available with
17 respect to an Alaska expedition?

18 A Yes.

19 Q Now, regarding this Alaska expedition, what,
20 if you recall, did Mr. Armstrong have to say about that?

21 A Mr. ARMstrong had related that the expedition
22 was simply a trip that he had made up to Alaska and taken
23 some photographs and sent them off to the Hydrographic Office
24 of which the information was of -- I don't know how to
25 characterize it -- of negligible value and that was just,
26 I think, one or two letters from the file, from the
27 Hydrographic Office thanking him for it and that there was
28 no substantial contribution that was made as a result of the

1 trip.

2 Q And did you make any efforts to obtain further
3 information with respect to that?

4 A Yes, we did. We simply asked the Hydrographic
5 Office what they had.

6 Q And what did you learn?

7 A A couple of days ago we got somewhere around
8 80 pages or so of documents which are correspondence that
9 they had with Mr. Hubbard. There was extensive work and
10 correspondence that they had with him. It was extensive
11 rewriting of the Coast Pilot, a lot of documents that are
12 quite technical, dealing with tides, currents, harbor
13 conditions.

14 But the main point was there was considerable
15 information sitting in the Hydrographic Office on file as
16 far as the work he was doing with them.

17 Q Were any such documents contained in the
18 archives?

19 A No. These are all new documents, not in the
20 archives.

21 Q From what you could determine had Mr. Armstrong
22 done anything to obtain these documents?

23 A From what I could gather, he had not.

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1 Q By the way, in the time you have had available,
2 there's been a document -- I am going back to the war
3 period for a moment -- it is exhibit 61; did you also
4 obtain exhibit 61 from the Naval archives?

5 A Yes.

6 Q And had Mr. Armstrong obtained that document?

7 A I have not seen this document in the archives
8 before, no. This is about the Algol. The log book of the
9 Algol.

10 Q Right.

11 All right, now, was another area that you
12 looked into the limited time that you had available to you
13 Mr. Hubbard's Asia travels?

14 A Yes.

15 Q And do you recall from reviewing the testimony
16 in this case that Mr. Armstrong's testimony was that
17 Mr. Hubbard had only traveled into China once for two weeks
18 on a YMCA trip?

19 A Yes.

20 Q Now have you looked through the archives
21 to see what references, if any, there are to indicate any
22 connection to the YMCA?

23 A Yes, I have.

24 MR. LITT: May I have this marked next in order,
25 Your Honor?

26 THE COURT: 89, I guess. Have you shown counsel
27 this?

28 MR. LITT: Oh, no. I have a copy for him.

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Mr. Flynn?

MR. FLYNN: Thank you.

Q BY MR. LITT: And is this document the document that you could find showing -- that had any designation on it in relationship to the YMCA?

A Yes. This is -- on the cover is the coversheet of the sightseeing trips to the Great Wall following by two pages of the description of the Wall with a photograph. On the fourth page is -- unfortunately this is only because the copy in the archives is very poor, that these are tickets which were basically for the transporting to see the Great Wall from Peking. This says that it was under the direction of the YMCA.

Q Now did this document indicate that the trip Mr. Hubbard was on was a YMCA trip or that there was a trip from Peking to the Great Wall that was a YMCA trip?

A What this is clearly and also evidenced by the tickets that were attached, that this was something that this organization was conducting to the Wall in Peking.

I read the characterization of the transcript that made it sound as if Mr. Hubbard had joined the YMCA in Montana and the YMCA had organized a trip into China, and there is nothing that indicates that whatsoever. The only thing that could be found is something that occurred in China itself which is quite different.

Q And in addition, you have located journals which have already been marked as exhibits at the time of Mr. Armstrong's testimony showing other trips other than

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1 just the one trip that Mr. Armstrong testified about to
2 China and to Asia?

3 A Yes.

4 Q Now have you in the time you have had available
5 been able to get any other leads concerning Mr. Hubbard's
6 activities in Asia?

7 A Well there is a number of leads. Some of it
8 is actually in the diaries themselves, of course, which
9 are a bit unique because they are simply one man's account,
10 in some cases they are very complete and other times he skips
11 over certain periods of time.

12 It is a period because of the location in
13 which we are talking about, the Far East and the South Pacific
14 as well as the distance in time, that it is difficult to
15 follow down, but what we are able to ascertain is not the
16 way that it has been represented to the court.

17 Q Now, have you -- one of the things that
18 Mr. Armstrong has spoken about is whether or not Mr. Hubbard
19 ever had any contact with any Llama priests; do you recall
20 that?

21 A Yes.

22 Q Have you been able to get any leads on that?

23 A Well there is two things. One, I believe he
24 did mention that there was no question that Mr. Hubbard had
25 heard them chanting or singing to the degree he made a
26 reference of how they sounded, something like bull frogs.

27 But along the way, we stumbled across someone
28 else quite accidentally that we are still in the process of

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1 pursuing. There was a woman who had gone into the region
2 from the Explorer's Club during that early years, apparently
3 during the very late '20's, that when she met with people
4 back in the far regions they had made an account of the story
5 of a young man from the West with bright red hair who had
6 visited them.

7 THE COURT: Marco Polo?

8 THE WITNESS: I don't know if he had red hair, Your
9 Honor.

10 Q BY MR. LITT: Mr. Hubbard does have red hair;
11 right?

12 A At that time he had very bright red hair, yes.

13 She had related this story to the others upon
14 her return because of basically two reasons; one, that this
15 person stuck out in their mind so much, and secondly, by the
16 fact that it was a young, Western boy.

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1 That was how it was characterized to her. So
2 they didn't know whether or not he would be British, American,
3 Canadian or Australian. But to them, it was definitely
4 Western with bright red hair.

5 MR. FLYNN: Are we dealing with triple level hearsay,
6 or quadruple level?

7 MR. LITT: We are dealing with research methods.

8 Mr. Armstrong has reached all sorts of
9 conclusions --

10 THE COURT: I'll receive it as what it appears to be,
11 a report from somebody else who had a report from somebody
12 else, for whatever it was worth, about a red haired
13 Westerner.

14 THE WITNESS: It is that method, Your Honor, sort of
15 things that pull you along.

16 THE COURT: You wouldn't want to bet your life on it,
17 would you?

18 THE WITNESS: I wouldn't want to bet my life on it
19 until I have it in front of me. And then I would take a
20 hedge.

21 THE COURT: It would have been helpful to talk
22 Mr. Hubbard about it, too; wouldn't it?

23 THE WITNESS: It would be helpful to talk to
24 Mr. Hubbard, but my procedure and the way that people that
25 I work with in the field do it, you have your facts and then
26 you go to speak to your subject.

27 THE COURT: I thought everything that he wrote down
28 was scripture?

1 THE WITNESS: I didn't say that, sir.

2 THE COURT: Pardon me.

3 You may continue.

4 MR. LITT: I think, to clarify the record, that refers
5 to things that are contained in policy letters or dictation
6 with respect to Scientology.

7 THE COURT: I stand corrected. I didn't know there
8 was a distinction made.

9 THE WITNESS: In fact, sir, there is a reference, a
10 little work I did find where he does distinguish between
11 where he does express his opinions personally, especially
12 where -- well, he said they are my opinions.. And he does
13 try to distinguish these at various times.

14 Q BY MR. LITT: Now, by the way, did you have a
15 discussion with Mr. Armstrong -- I am going back to the
16 subject of Mr. Hubbard being crippled or blinded -- did you
17 have a discussion with Mr. Armstrong while he was working
18 in the archives on the topic of whether from the information
19 available in the archives any conclusions could be reached?

20 A Very little. It was not a topic that we
21 discussed anywhere near the total amount of time we discussed
22 other topics because there was such a volume of data which
23 he said still had to be gone through and hadn't been gone
24 through. It was definitely inconclusive.

25 Q He told you that more work needed to be done in
26 this area?

27 A Most definitely because the stack of papers that
28 was on the floor stood maybe 14, 16 inches high. And it was

1 clearly something you would have to sit down and work on for
2 quite awhile.

3 Q Now, in your training and background as an
4 investigative journalist and doing research in connection
5 with that, can you describe for me the proper methodology
6 in your judgment that should be used in connection with doing
7 research and investigative work?

8 A Well, the first thing is to basically name the
9 topic or the area that you want to do; then you have to find
10 out anything that you can about it at which point then you
11 gather up the basic information which is usually when a
12 researcher starts, you start with the most obvious, which
13 are libraries. It depends, of course, on your subject.

14 At that point then once you have got your subject
15 oriented, you have a time frame, you know what you are
16 talking about -- this will vary between subjects -- you then
17 begin to pursue and go for actual records.

18 One of the best ways invariably, regardless of
19 what subject, one of the best ways is always the Federal
20 government. Governments tend to keep paper more than anybody
21 else. And you obtain the records.

22 Then you continue to do it yourself.

23 The main thing that pulls the researcher along,
24 the things that keep pulling you are things that don't make
25 sense or things that are not there. And it is a very, very
26 hard thing for a researcher to see what is not there.

27 That is why I mentioned when we put this on the
28 word processor, we see what is missing. It is very hard to

1 tell what is missing until you actually work out a method
2 to do this.

3 At that point you can then institute your search
4 for eyewitnesses. But you have to know it before you get
5 to your eyewitnesses; otherwise, you don't know what to ask
6 them.

7 Once you have the subject, like speaking with
8 Captain Moulton, we could only do that once we had found
9 the records, once we knew what to deal with. We could ask
10 an intelligent question of someone who knew something about
11 the subject.

12 Only then, only after you have covered everything,
13 everybody, can you then say you have covered your subject
14 and begin to draw a conclusion.

15 Q Regarding the archives as -- from the perspective
16 of whether it constitutes a complete or fairly complete
17 compilation of information aside from discussions or
18 information provided by Mr. Hubbard concerning Mr. Hubbard's
19 life, have you reached any conclusions about the thoroughness
20 of the materials as a basis for making final factual
21 conclusions?

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1 MR. FLYNN: Objection, Your Honor.

2 THE COURT: Well, I suppose the question is as broad
3 as it is long. I am sure there may be some areas where
4 there is probably all kinds of documentation; other areas
5 maybe there is no documentation. So it is really too
6 general a question. Sustain the objection.

7 Q BY MR. LITT: As a researcher and investigative
8 journalist, are the archives as they existed at the time that
9 Mr. Armstrong left or now, for that matter, sufficient to be
10 able to reach final factual conclusions on the variety of
11 topics that Mr. Armstrong has testified about?

12 A The archives, to take a real simple example,
13 also contained copies of the works that Mr. Hubbard wrote
14 for publication. They weren't even complete when it came
15 down to his works, let alone when it came down to his life.
16 There are large gaps such as his Hollywood career, such as
17 periods when he was in the Far East.

18 The main thing that is missing is simply the
19 work to follow it up.

20 Q When you say things are missing, do you mean
21 by that that the real job for a researcher would be to take
22 these materials as a basis for further investigation and
23 research?

24 A Well the first thing that should have been
25 done would have been to put them into an order that one
26 could do that which usually is a chronological order, and
27 then as I say, you can see what is missing. At that point
28 you could then follow up and ask your questions and get the

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1 documentation.

2 There is areas where you can be very specific
3 and you can draw an exact conclusion and it is quite
4 factual. There is other areas where you are shooting from
5 the hip.

6 The characterizations that I heard remind
7 me more of the story of the blind man and the elephant,
8 you know, that feels like a wall.

9 MR. FLYNN: Objection, Your Honor.

10 THE COURT: Well, I guess we have heard everything
11 else in this lawsuit. We might as well hear about the
12 elephant and the blind man. We have heard about bull frogs,
13 bullbaiting, culling PC files. Let's hear about the elephant.

14 You may answer.

15 THE WITNESS: I think it is classical enough, sir,
16 that it almost speaks for itself, but it is an instance
17 that one can characterize things too quickly with too
18 little information and come up with actually what appears
19 to be quote true, closed quote. At the same time it is
20 inaccurate because it is very incomplete.

21 Q BY MR. LITT: Now, from the discussions that
22 you had with Mr. Armstrong, both before he left his post
23 and in the period of time afterward when you had contact
24 with him, do you feel that he had any bias in the way that
25 he approached the materials?

26 A After a number of conversations with him
27 when I tried to get him to follow up on certain topics,
28 I couldn't figure out why he wouldn't do this because he

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1 would terminate the research and just go on to other
2 subjects, and it is hard, it is very hard. But I know
3 when you are dealing at this level of work you have to let
4 the documents come about from your attitude rather than
5 having your attitude generate it the other way around.

6 It would be as if you wanted to go research the
7 Chicanos. If you are anti Chicano and you start with that
8 attitude, you will come up with a certain conclusion because
9 you simply cannot allow other documents or other facts in.
10 If you are vividly pro Chicano and you don't want to have
11 any anti, you will come up with another one, so it requires
12 an unbiased attitude and sometimes I just couldn't understand
13 until much later why the archives were in a certain state.

14 Q Now, the information that you have talked
15 about that you gathered that's been in the course of the
16 past month; is that right?

17 A Yes.

18 Q And you have not had the opportunity to
19 research many areas at this point; is that correct?

20 A There is a number of areas that we didn't even
21 pick up to pursue simply because it is a big slower. As I
22 say, government document sources are the most readily
23 available. There is other areas we just decided to not pick
24 up because of the amount of time that was involved right now
25 as the basis of the attorney request.

26 Q And in those other areas are you sufficiently
27 familiar with them to have an opinion about whether there
28 is more research that needs to be done?

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1 A I have read all the documents. I have had an
2 occasion now to read or look at all the sealed documents as
3 well as read additional materials and to have actually been
4 able to lay out the other areas that are going to be followed
5 up on and complete the research that was never done before.

6 MR. LITT: I have no further questions.

7 THE COURT: All right, you may cross-examine.

8 MR. FLYNN: Thank you, Your Honor.

9
10 CROSS-EXAMINATION

11 BY MR. FLYNN:

12 Q Mr. Young, when you say that you have read
13 all the documents under seal, did you do that in the last
14 four weeks?

15 A Yes, I said I read or looked at.

16 Q And all the documents in the archives, have
17 you read those?

18 A No.

19 Q So you have arrived at the conclusions you
20 have arrived at about Mr. Armstrong without reading all
21 the documents in the archives; is that correct?

22 A Yes. There is -- there are documents that
23 have yet to be actually read in the archives.

24 Q And so you have arrived at your conclusions
25 that you have given as conclusions in this courtroom without
26 thoroughly researching all of those documents; is that
27 correct?

28 A I think as a professional I have done more

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1 research than he did.

2 Q Well, I take it that you feel that researchers
3 should be unbiased?

4 A Yes.

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1 Q And the mark of a good researcher would be the
2 fact that he is unbiased?

3 A Yes.

4 Q And the mark of a great researcher would be that
5 there would be great objectivity and almost totally free of
6 bias?

7 A A great researcher finds what he is looking for
8 in the end.

9 Q And a researcher should also be thorough; is that
10 correct?

11 A Yes.

12 Q And the mark of a good researcher would be how
13 thorough they were?

14 A Yes.

15 Q And these conversations you had with Mr. Armstrong
16 about what you perceived to be a demonstrated bias were in
17 the fall of 1981?

18 A During November, December, '81.

19 Q So it was during that period of time that you
20 arrived at the conclusion that Mr. Armstrong was a biased
21 researcher?

22 A No.

23 Q When did you arrive at that conclusion?

24 A When I finally had the opportunity to, one, read
25 all the documents. Because I had not had all that many
26 opportunities to read the documents to see what was there.

27 Secondly, when I began to find the holes, the
28 stuff that had not been found in the documents that were

1 terminated.

2 Finally, when I saw the conclusions that he had
3 drawn and presented in this court case as a result of what
4 he had read and found.

5 Q You did perceive the bias in the fall of 1981
6 as you just testified; is that correct?

7 A I wouldn't have characterized it as a bias at
8 that time. It was something that I couldn't understand.

9 Q In the last four weeks how many of the documents
10 in the archives have you read?

11 A By inches, or pages?

12 Q Let's take pages.

13 A Additionally beyond what I had originally read,
14 perhaps five to ten thousand pages. It is very hard to give
15 a page count.

16 Q Five to ten thousand pages in the last four weeks
17 in the archives?

18 A Yes.

19 Q In addition to the documents that are under
20 seal?

21 A Yes.

22 Q And do you have an estimate as to how many
23 documents there are under seal?

24 A I have only seen them by bulk or boxes. I have
25 never seen them at one time.

26 Q And did Mr. Litt ever indicate to you that there
27 were eight to ten thousand pages under seal?

28 A I don't think he gave me that figure. I just

1 saw that was there.

2 Q In the last four weeks you have read all the
3 documents under seal?

4 A I said read or looked at.

5 Q What do you mean when you say "looked at"?

6 A For example, there are documents there which
7 pertain to a subject in which I would not be interested in
8 pursuing; I would look over the document, glance over it and
9 see if this is something I am not going to pursue. I don't
10 need to read this document.

11 I would put it to the side and continue on. I
12 had to select my subjects.

13 Q So you have arrived at this conclusion about
14 Mr. Armstrong's research bias which, apparently, makes him
15 a poor researcher in your opinion; is that correct?

16 A He was quite sufficient in what he gathered.
17 He was insufficient in what he concluded.

18 Q So are you here to criticize Mr. Armstrong,
19 Mr. Young?

20 A I am here to basically tell you what I found out
21 when I did my work.

22 Q You have concluded that he was a poor
23 researcher?

24 A I said he gathered what he gathered; his
25 conclusions were too shooting from the hip. Basically, you
26 can't draw those conclusions from those documents when the
27 work is incomplete.

28 Q Now, the conclusions you have drawn, however,

1 are based on four weeks of work plus conversations you had
2 with Mr. Armstrong in the fall of 1981; is that correct?

3 A Yes.

4 Q And do you know how long Mr. Armstrong worked
5 collecting documents?

6 A Yes.

7 Q How long?

8 A It was a little over a year.

9 Q Well, do you know whether or not his petition
10 was approved by L. Ron Hubbard in January, 1980 as a time
11 when he began collecting and reading documents?

12 A No.

13 Q And you know that he left in December, 1981?

14 A Yes.

15 Q That is almost two years; is that correct?

16 A Yes.

17 I can only respond to that in which I continued
18 the position. And I basically have been reading also that
19 material since 1981 which also gives me over three years.

20 Q So you have been doing this work over three
21 years?

22 A No. I said I have had occasion to read it since
23 then.

24 Q At some point did you petition to write a
25 biography of L. Ron Hubbard?

26 A No.

27 Q Have you requested any permission from anyone
28 to write a biography of L. Ron Hubbard?

1 A No.

2 Q Have you intended yourself to write a biography
3 of L. Ron Hubbard?

4 A I think it would be a very interesting idea.

5 Q Have you been telling people for the last 4 years
6 throughout the country that you are working on a biography
7 of L. Ron Hubbard?

8 A Yes.

9 Q So over these three years you have been reading
10 all of this documentation, is that correct?

11 A I have had many occasions over those three years
12 to look at it.

13 Q So it is not limited to the four weeks you
14 testified about?

15 A Not as far as the archives materials, no.

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1 Q Now, do you know whether Mr. Armstrong read
2 all the documents in the archives?

3 A I know that he hadn't.

4 Q Do you know whether he's read more documents
5 than you have, Mr. Young?

6 A No, I don't.

7 Q Did you after Mr. Armstrong left the church
8 say that, "You are the best damned whatever researchist-
9 archivist type I have met."

10 A Yes. That was my conclusion after working
11 with him for a month and a half.

12 Q And after four weeks you have reached now a
13 different conclusion?

14 MR. LITT: Objection; argumentative.

15 THE COURT: Sustained.

16 Q BY MR. FLYNN: Now, you testified that the
17 documents were not properly indexed; is that your testimony?

18 A I said there was no index and there was no
19 actual, what you'd call a system by which you could go
20 and find it other than memory.

21 Q Who do you think Mr. Armstrong was indexing
22 the documents for?

23 A He was actually indexing them primarily for
24 Mr. Garrison when he put them into the binders. He was
25 doing it for himself when he put them into the files because
26 the files were much longer than the binders.

27 Q He was indexing them for the biography; isn't
28 that correct?

21/2

- 1 A Yes.
- 2 Q For Mr. Garrison?
- 3 A Yes.
- 4 Q And are you aware that Mr. Garrison considered
5 Mr. Armstrong to be an extraordinary researcher?
- 6 MR. LITT: Objection; irrelevant.
- 7 THE COURT: Sustained.
- 8 Q BY MR. FLYNN: Do you know whether Mr. Garrison
9 praised Mr. Armstrong for his indexing of the materials and
10 collating of the materials for him?
- 11 MR. LITT: Objection; irrelevant.
- 12 THE COURT: I will sustain the objection.
- 13 Q BY MR. FLYNN: Now, from the exhibit that was
14 shown to you with Robert Harris' name on it, Mr. Young, I
15 take it from your testimony that E means external and not
16 enemy?
- 17 A The name came to mean that. It originally
18 began as enemy.
- 19 Q You are from the Guardian's office; is that
20 correct?
- 21 A Not now, no.
- 22 Q Well you were in the Guardian's office?
- 23 A Yes, I was.
- 24 Q How long were you in the Guardian's office?
- 25 A About 13 years.
- 26 Q And you are trained in public relations to
27 disseminate the PR line about the Church of Scientology;
28 is that correct?

21/3

1 A I am trained in public relations.

2 Q Well, are you trained to -- were you in the
3 public relations bureau of the Guardian's office?

4 A Yes.

5 Q And the public relations bureau had as its
6 purpose, did it not, to disseminate information about the
7 Church of Scientology?

8 A That is not exactly right. The dissemination
9 of -- speaking about the faith itself would fall more to
10 the domain within various churches. We had a different
11 function which I carried such as like the stories that I
12 was writing about.

13 Q Let's not talk about areas of faith. For
14 instance, if someone asked you in the public relations bureau
15 whether L. Ron Hubbard was a nuclear physicist, would you
16 deal with that type --

17 A If it came up in the course of a conversation,
18 yes, of course. Anybody would.

19 Q In 13 years did you?

20 A In 13 years I was never asked that question.

21 Q And do you know whether for a period of 20
22 years L. Ron Hubbard held himself out as a nuclear physicist,
23 at least on the jackets of some of his books?

24 MR. LITT: Objection, argumentative and if there is
25 evidence to that, it speaks for itself, and the witness has
26 already said he didn't have anything to do with whether
27 Mr. Hubbard was a nuclear physicist.

28 THE COURT: Overruled; preliminary question. You may

21/4

1 answer.

2 THE WITNESS: Could I have the question?

3 Q BY MR. FLYNN: I will rephrase it.

4 Do you know whether or not Mr. Hubbard held
5 himself out on the cover of his books as being a nuclear
6 physicist?

7 A No. In fact, you and I had a conversation
8 about that on that D.C. TV show.

9 Q Well, Mr. Young, is your answer no, that he did
10 not hold himself out as a nuclear physicist?

11 A As I told you on the D.C. TV show, the cover
12 on that book was from the publisher.

13 Q Was the book copyrighted by L. Ron Hubbard?

14 A I haven't looked at the copyright.

15 Q So your answer is that L. Ron Hubbard has not
16 held himself out as a nuclear physicist?

17 MR LITT: Objection; asked and answered. His answer
18 is what he said, Your Honor.

19 THE COURT: Overruled.

20 Was that your answer?

21 THE WITNESS: My answer was to Mr. Flynn's question
22 in that particular case. If there was another question --

23 THE COURT: Are you aware of him ever holding himself
24 out as a nuclear physicist?

25 THE WITNESS: No, sir, I had not.

26 Q BY MR. FLYNN: Have you read any of the
27 biographical sketches of Mr. Hubbard under seal in this case?

28 A Yes, I have.

21/5

1 Q And to your knowledge had Mr. Hubbard held
2 himself out as having a Bachelor degree from George
3 Washington University?

4 A If I may back up for a moment on that.

5 Q Well, can you answer that question, Mr. Young.
6 Has he held himself out as having a Bachelor degree from
7 George Washington University?

8 A I would have to respond, Mr. Flynn, that I have
9 difficulty telling who wrote what documents in that file.
10 That is the difficulty.

11 Some of those sealed documents that are
12 purportedly Mr. Hubbard's are typed with no name. I cannot
13 tell from those documents who typed what.

14 I do not have any direct information that he had
15 held himself out in that way, no. I did see a reference of
16 which there was a B S C and also B S C N. Now, there was a
17 Bachelor of Scientology degree and --

18 THE COURT: Issued by the George Washington University?

19 THE WITNESS: No, sir. That was issued by the church
20 at that time. I cannot early on distinguish between those
21 in the same way that there was also a reference to C E,
22 which some people took as civil engineering, but which was
23 actually a certificate that was being awarded out of Phoenix.

24 It is a bit inconclusive for me to be able to
25 tell from those.

26 Q BY MR. FLYNN: Would it be that to someone
27 reading it, it would be a bit ambiguous?

28 A Reading some of those, I would agree it would

21/6

1 be ambiguous.

2 THE COURT: How about misleading?

3 THE WITNESS: I would say in some cases some of those
4 things that were written were misleading.

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1 Q BY MR. FLYNN: Now, Mr. Litt asked you about your
2 conclusion with regard to whether Mr. Hubbard suffered from
3 eye problems, I think is the way Mr. Litt put it; do you
4 recall that?

5 A Yes, sir.

6 Q And I am sure you have read accounts that
7 Mr. Hubbard has held himself out as having been crippled and
8 blinded; is that correct?

9 A I saw that.

10 Q What does the word "blinded" mean?

11 A Blinded --

12 MR. LITT: Is this what it means to Mr. Young?

13 THE COURT: He is a journalist; he has probably used
14 that term in some writings.

15 How is it used in the journalism profession?

16 THE WITNESS: There is a wide range of meanings which
17 means everywhere from legally blind, where you cannot see
18 anything, down to where you are blinded by the flash of a
19 light bulb.

20 Q BY MR. FLYNN: Well, suppose -- have you ever
21 read accounts by Mr. Hubbard that he was blinded to the
22 extent that he had to study when he couldn't see?

23 A Yes.

24 Q Now, I take it in your inconclusive research you
25 have discovered the eye problems that Mr. Hubbard had about
26 which you have testified in this courtroom; is that correct?

27 A Yes.

28 Q Now, do you recall the Court's question about

1 whether or not Mr. Hubbard might be a good source of
2 information to answer some of these questions?

3 A Yes.

4 Q And you testified you would rather go to
5 documents; is that correct?

6 A That is true.

7 Q And you mentioned documents from the Federal
8 government having a high degree of reliability?

9 A No. I said they are highly accessible.

10 Q Do they have a high degree of reliability?

11 A I'll tell you, I have worked for 13 years with
12 government documents. And sometimes they can really present
13 a serious problem as to reliability, especially when the age
14 of Xerox machines came about and we were able to actually
15 find cases where documents could be changed and then recopied
16 and then put back into a file.

17 Q Exhibit 60, the Action Report, is that a
18 document?

19 A Yes.

20 Q And that is written, for the most part, by
21 L. Ron Hubbard?

22 A No. There are a number of attachments to it.

23 Q I know the attachments are there, Mr. Young.
24 I am talking about the running accounts of the action of
25 Cape Lookout; that is information for the most part written
26 by L. Ron Hubbard?

27 A I would have to do it by pages. I think it is
28 close to an accurate description.

1 Q We'll get to that.

2 If you don't deal with Mr. Hubbard directly and
3 ask him the question, would you agree that the next best
4 source might be Mr. Hubbard's personal writings about, for
5 example, his eyesight?

6 A They are one source, not the conclusive source.

7 Q If Mr. Hubbard said, for example, that he used
8 his eyes to avoid school, that he used eye problems as an
9 excuse to avoid school, would that be a research tool that
10 would be significant to you?

11 A It would be a statement that you would take along
12 the way and have to find out how you were going to use it.

13 Q Have you read exhibits 4-D through 4-K in this
14 case which have been called the affirmations or the personal
15 notes of L. Ron Hubbard?

16 A Yes.

17 Q You have read those?

18 A Yes.

19 Q Are you aware that in those notes Mr. Hubbards
20 says that he uses his eyes as an excuse to avoid school?

21 A There was a statement similar to that.

22 Q And are you aware that there is a note in there
23 he used his hip as a pose?

24 A I don't remember the word "pose" specifically.

25 Q Now, were those types of representations from
26 Mr. Hubbard or statements of Mr. Hubbard be of greater
27 significance to you as a researcher where he is describing
28 his problems himself than someone else describing his

1 problems?

2 A No, they wouldn't.

3 Q Now, suppose there were notes in there that
4 Mr. Hubbard said that he had a very poor Naval career; would
5 that be of significance to you as a researcher?

6 A It would be as a statement to put it into a
7 context to find out what the man possibly meant as "poor."
8 Yes.

9 Q Are you aware, for example, that he has stated
10 or biographical sketches have stated that he was the first
11 casualty of the Far East and returned in the Secretary of
12 the Navy's private plane to the United States?

13 A I have seen those in those sketches, yes.

14 Q You have read quite a few accounts of
15 Mr. Hubbard's Naval background, haven't you?

16 A Yes.

17 Q You have seen accounts where he claims he was
18 awarded 28 medals in Palms including the Purple Heart?

19 A There may be one account. I may have difficulty
20 right now, but I have seen where it is attributed --

21 Q Isn't it basically fair to say that Mr. Hubbard
22 in his biographical sketches held himself out as a war hero?

23 A Actually, the one interview that I know he gave,
24 he actually lessened his participation in the Navy. He never
25 considered it something that he wanted to talk about.

26 He made that statement very specifically for the
27 one transcript which is in the sealed documents.

28 Q Among the numerous biographical sketches that

1 are under seal isn't it fair to say that the thrust is that
2 Mr. Hubbard or someone on his behalf held him out as a war
3 hero?

4 A The war hero part is clearly, by even column
5 inches, a very, very small one or two lines of larger pieces.
6 It was represented by someone who had written those up. But
7 it is a very minor portion of the biographical sketches.

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1 Q Well, wasn't he held out as being the individual
2 "Mr. Roberts"?

3 A I saw where other people had attributed that
4 to him. His own statement was he didn't think that it was
5 the case.

6 In fact, he mentioned, it is in the sealed
7 documents, that he had told the story about the Algol, of
8 which he found out by the way, he spoke to a crew member,
9 of the Algol about "Mr. Roberts." The Algol was the bucket
10 of "Mr. Roberts" that he was on by the way. He actually
11 dismisses it a bit himself in his own statements.

12 MR. FLYNN: Could I have 500-A under seal, please?

13 Q Did you read this biographical sketch which
14 has been marked as exhibit 500-A or 500-H -- 500-A under
15 seal?

16 THE COURT: It is H and --

17 THE CLERK: It is what was in the place of 500-A.

18 THE COURT: Do we have a 500-A?

19 THE CLERK: No.

20 THE COURT: Well we will mark it H and in parentheses
21 500-A.

22 Q BY MR. FLYNN: Have you read that?

23 A Yes, I have.

24 Q Now it has at the end the picture of L. Ron
25 Hubbard. It is a four page biographical sketch; is that
26 fair to say?

27 A Yes.

28 Q And it has Mr. Hubbard's picture with a

1 notation "Truth is the exact time, place, form and event.

?? 2 Accent 38. LRH."

3 A Yes.

4 Q Is that what truth is?

5 A I think it is a very fine definition.

6 Q Now, do you know whether this biographical
7 sketch appeared in numerous publications?

8 A I don't know.

9 Q Sold -- oh, you don't know that?

10 A I have seen it in a couple of publications
11 that I have been able to trace, but I cannot -- first
12 of all, this is very rare to have something this lengthy,
13 so it is only a couple of times that I know tha that
14 appeared, I think in 1961 and this one is the only one I have
15 seen.

16 Q Your first answer is you don't know for sure.
17 You haven't done any research as to how many publications
18 that appeared in?

19 A I wasn't asked to find all the instances
20 that appeared, but I do know in my time with the church I
21 haven't seen this particular one that often.

22 Q How about for people who were joining back in
23 1969-70. Like yourself and Mr. Armstrong; do you know
24 whether this is part of another exhibit in this case dated
25 1969?

26 A I don't know how this thing is marked in this
27 case, no.

28 Q Well, let's start off at the top, "Hubbard,

1 Lafayette Ronald, author, B S in civil engineering
2 George Washington University."

3 Is that construable in your view as a
4 researcher-writer as B S in Scientology from George Washington
5 University?

6 A No, this would appear to be Bachelor of Science,
7 George Washington University.

8 Q In civil engineering?

9 A Yes.

10 Q So, someone was holding out Mr. Hubbard as a
11 civil engineer with a Bachelor's degree; isn't that correct?

12 A Apparently so.

13 Q In your four weeks and/or three years of
14 research, whichever it is, did you find out whether or not
15 he had a Bachelor's degree?

16 A Yes.

17 Q And what did you find out?

18 A He doesn't have one.

19 Q Now, holding yourself out as having certain
20 credentials in Scientology when you don't have them is a
21 fairly significant thing; isn't it?

22 A You mean holding out Scientology credentials?

23 Q If you hold yourself out, for example, as a
24 Class 8 Auditor when, in fact, you have just walked in the
25 door and taken the personality test, that would be a fairly
26 significant misrepresentation; wouldn't you agree?

27 A Yes.

28 Q Now, L. Ron Hubbard in his biographical

23/4
1 sketches basically held himself out as "Combining the wisdom
2 of the East with the science of the West"; isn't that
3 correct?

4 A Yes.

5 Q Held himself out as a scientist?

6 A I didn't see scientist. I saw and he discussed
7 it in the book, in the Phoenix Lectures he spoke about
8 trying to combine the East and the West.

9 Q And one of the ways he was combining it is his
10 absorption of wisdom from the Llama priests and his
11 scientific background from Western universities; isn't that
12 basically true, Mr. Young?

13 A I did not see the characterization Llama
14 priests in that way.

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1 Q How about "absorbing the wisdom of the East" in
2 "My Philosophy"; have you read "My Philosophy"?

3 A Yes.

4 Q Did he say that between 1925 and 1929 he absorbed
5 the wisdom of the East?

6 A Words to that effect. I wouldn't want to be
7 quoted that those are the exact words.

8 Q Which he combined with the science of the West
9 which he learned in Western universities; is that correct?

10 A Yes.

11 Q Now, there is a statement L. Ron Hubbard was
12 raised on his grandfather's cattle ranch in Montana.

13 You know his grandfather never had a cattle ranch
14 at this point?

15 A I haven't completed that. I do know where the
16 story came from. I --

17 Q Your answer is you haven't completed it?

18 MR. LITT: May the witness finish his answer? Mr. Flynn
19 interrupted him.

20 THE WITNESS: All I'm saying is I haven't done land
21 search records myself in Montana. That is one area that
22 hasn't picked up.

23 Q BY MR. FLYNN: There are a lot of things that
24 we could go through, but I am not going to take up the
25 Court's time. But let's take, for example, his war service.
26 He has a fairly extensive recitation of his war service?

27 A You have attributed this to Mr. Hubbard; I cannot
28 attribute it to Mr. Hubbard.

1 Q Why don't you attribute it to Mr. Hubbard?

2 A Because this is a publication that is from the
3 Public Relations Bureau.

4 Q Is that what you are in; right?

5 A This is from a different area. And this is also
6 apparently -- I don't know if we have a year on this. But
7 there was other areas. We never dealt with things like
8 this.

9 Q Other public relations people dealt with this;
10 is that correct?

11 A I am saying there were different sections of
12 public relations areas.

13 Q You never dealt with this?

14 A I never wrote anything like this in our area.
15 In our area we never wrote any biographies like this.

16 This is an internal Church publication, which
17 we didn't do.

18 Q You don't know whether or not Mr. Hubbard wrote
19 it or didn't write it?

20 A I'm saying that I cannot attribute this to
21 anybody. What it says on the document, I have to -- I'm
22 trying to be as exact as possible.

23 It says it is from them. And I can find nothing
24 else. And I did not see under the sealed documents anything
25 from Mr. Hubbard which said that he wrote this.

26 Q So you can't attribute that to Mr. Hubbard, but
27 you can attribute it to some Scientology publication?

28 A Well, what you have given me is a Scientology

1 publication.

2 Q Who is referred to in the Church as "Source"?

3 A Mr. Hubbard.

4 Q And who would know more about Mr. Hubbard's life,
5 in your opinion, than Mr. Hubbard?

6 A That is always a tough question, I think, with
7 anybody's life.

8 THE COURT: I don't know whether what you have there
9 is what -- exhibit N, I guess, in this case.

10 Have you ever seen this publication? It is a
11 copy of exhibit N.

12 THE WITNESS: I have seen the publication. I don't
13 know if I have seen that particular issue, sir.

14 THE COURT: On the back page it says "Brief Biography
15 L. Ron Hubbard." I believe it is identical to that.

16 THE WITNESS: That is apparently what I have here, this
17 exhibit, sir.

18 THE COURT: It says, "original imprinted circa 1960."

19 THE WITNESS: That is not at the top of mine. Maybe
20 it is cut off.

21 THE COURT: It says "biographical source is L. Ron
22 Hubbard."

23 Wouldn't that indicate that a source of this
24 material was L. Ron Hubbard?

25 THE WITNESS: No, sir. It says, "biographical sources,
26 L. Ron Hubbard."

27 There are four sources that are listed,
28 encyclopedia and three Who's Who that are the biographical

1 sources about L. Ron Hubbard.

2 THE COURT: Did you contact Who's Who to find out where
3 they got their information?

4 THE WITNESS: No. We haven't pursued those particular
5 biographies yet. We are going to.

6 Q BY MR. FLYNN: Well, in any event, do you think
7 L. Ron Hubbard would know more about his life and any other
8 person, Mr. Young?

9 A In some cases, yes; in some cases, no.

10 THE COURT: You are referring to the prenatal period,
11 or what?

12 THE WITNESS: No, sir.

13 Q BY MR. FLYNN: Do you know more about his life
14 than Mr. Hubbard?

15 A There are more areas -- there are some areas of
16 his life I know more about than he does.

17 I just finished recently an excellent biography
18 of President Johnson. And it is really interesting, I think,
19 that a person would be sometimes interested to know what
20 happened around them because what happens to you, you do not
21 necessarily see the outside circumstances. So that is why
22 I say that in some cases, yes; in some cases, no.

23 Q For instance, whether or not he had a degree from
24 George Washington University; that is something he would know;
25 right?

26 A Yes.

27 Q And whether or not he had served in the South
28 Pacific and was the character Mr. Roberts and contrary to

1 the script, was not killed at Okinawa; is that something he
2 would know more about than you? Is that right?

3 A Perhaps on that one.

4 As I said, I had already responded on
5 Mr. Roberts.

6 Q Well, this biographical sketch says that L. Ron
7 Hubbard was Mr. Roberts; as Mr. Roberts, was with the ship
8 less than a year; however, contrary to the script, he was
9 not killed at Okinawa; is that correct?

10 A That is what the text says.

11 Q Now, you know from looking at the log books on
12 the ALGOL that Mr. Hubbard discovered a gasoline bomb in one
13 of the holds and then the following day was removed from the
14 ship and went to Princeton; you know that, right?

15 A Yes. And you omitted some facts.

16 Q That was before the ALGOL went to combat; isn't
17 that true?

18 A That is true.

19 Q Now, did you ever try to -- do you know how many
20 days after Mr. Hubbard discovered the gasoline bomb in the
21 No. 1 hold that the ship sailed off into the South Pacific
22 into combat?

23 A An exact number of days, no. I can't say.

24 Q A few days, though, wasn't it, Mr. Young?

25 A I would have to look back into the records. It
26 was not something I tried to retain.

27 Q I believe it was two days later, wasn't it,
28 Mr. Young?

MR. LITT: Objection. The witness has already said
he doesn't recall.

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1 Q Now what is your definition of "combat"?

2 A Engagement with the enemy.

3 Q Now, if it was in L. Ron Hubbard's mind that
4 he engaged with the enemy when, in fact, he hadn't, would
5 you as a researcher as you have testified a few minutes ago
6 look at it more from the objective point of view rather than
7 what was just in L. Ron Hubbard's mind?

8 A You have lost me on that question.

9 Q Wel, I asked you whether or not L. Ron Hubbard
10 was the best source and you said no, and you gave a little
11 story about Mr. Johnson in looking up things in context
12 and after things actually occur; do you recall that testimony?

13 A Yes.

14 Q And under those circumstances I believe you
15 testified that someone such as yourself could know more about
16 areas of a person's life than the person himself?

17 A It is the difference between a biography and
18 an autobiography. An autobiography is that person's attitude
19 of what occurred to them. A biography is much wider ranging
20 subject.

21 Q So you as an objective researcher and investi-
22 gative reporter, could look at, for example, a claim to have
23 been in combat with greater objectivity?

24 A I would hope by the definition of objective or
25 subjective, yes.

26 Q Now, you have read what has been marked as
27 exhibit 60; have you not?

28 A Yes.

25/2

1 Q There are several other ships mentioned in
2 exhibit 60 as having participated in this particular event;
3 is that correct?

4 A That is correct.

5 Q Did you get the action reports of those
6 ships?

7 A We pursued a couple of them, but that hasn't
8 been completed either. We had to simply move on to other
9 subjects at the time because of the time allowed.

10 Q Incidentally, this Thomas Moulton, you have
11 got his report attached; is that correct?

12 A It was attached in what came from Washington.

13 Q Now, this supposed engagement took place between
14 May 19 and May 20, 1943?

15 A May 19 and May 21.

16 Q When does Captain Moulton say it took place?

17 A Were you referring to a particular part here?

18 Q Yes, paragraph No. 1.

19 A This says during the period from 0300,
20 Tuesday, April 18, 1943 to 2400, Friday, April 21, 1943.

21 Q Well, April is not May; right?

22 A That is true.

23 Q And you didn't read the rest, "PC 815 fought
24 two submarines presumably Japanese."

25 A Yes, that is what the text says.

26 Q That is probably just an error in dates by
27 Mr. Moulton; right?

28 A Probably. That is one of the things one has

1 to face sometimes with documents. I have had that trouble
2 when some people do a typo, especially on a year. 1975
3 turns out to be 1955. It is something you have to work
4 with.

5 Q Well, when you look at the overall evidence,
6 and you read Mr. Hubbard's claims, his running account in
7 here, would you look at what the Navy viewed as whether or
8 not this ever took place?

9 A As another aspect, absolutely.

10 Q Did you do that, Mr. Young?

11 A Yes.

12 Q And you know that the Navy said that no such
13 thing ever took place; don't you?

14 A Yes.

15 Q And incidentally do you know how far off shore
16 the steamer track was for the PC 815 on its way down the
17 coast?

18 A It was just a few miles.

19 Q Then you are aware that Mr. Hubbard claims
20 that he sunk two Japanese submarines?

21 A No. Mr. Hubbard did not say that in the report.

22 Q He damaged one so that it couldn't return to
23 base, and he damaged one so it couldn't leave the area;
24 isn't that what he said?

25 A That is a better characterization. It was
26 Mr. Moulton that said sunk.

27 Q These were Japanese submarines within a few
28 miles off the coast, two of them?

25/4

1 A Yes.

2 Q And how long had Mr. Hubbard been at sea when
3 he encountered the two submarines?

4 A That was their second excursion out.

5 Q Well they were on their way down the coast;
6 isn't that correct; on a shakedown cruise?

7 A Yes.

8 Q How many hours after he left Astoria did he
9 encounter these submarines?

10 A I would have to look at that. I didn't get
11 into those fine points. Obviously the point you are making,
12 it was a short amount of time.

13 Q A few hours; isn't that correct?

14 A Probably a few, three, six, eight, definitely
15 less than a day.

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1 Q Now, this was basically the first time that he
2 had ever sailed a ship any distance; is that correct?

3 A No.

4 Q Oh, had he sailed it before?

5 A On this particular ship?

6 Q This particular ship.

7 A This particular ship, apparently so. You'll have
8 to ask the crew members about that one.

9 Q Well, it was just coming out of being outfitted
10 or refitted or whatever they call it to be taken down the
11 coast on a shake-down cruise.

12 A - Again, you are presuming, like Gerry did.

13 There was an earlier trip of the ship which
14 Captain Moulton told us about.

15 Q Was Mr. Hubbard on the earlier one?

16 A No. There was an earlier trip. They went out.
17 The pilot damaged the propeller. They had to come back and
18 replace the propeller and go again.

19 How many times this ship traveled, I don't know.

20 If you are going to end up saying that is the
21 only trip, that is something you can draw --

22 Q 2116 hours is basically what time in civil time?

23 A 9:16 p.m.

24 Q And do you know what time he encountered or
25 supposedly encountered the two subs?

26 A I don't remember right now. I would have to go
27 back to the documents.

28 Q Isn't it fair to say that is basically the first

1 time Mr. Hubbard was on the ship with his crew and sailing
2 down the coast, the first time the PC 815 has really been
3 at sea at all with Mr. Hubbard?

4 A I can't say that because I don't know what the
5 ship did before this point in time. I did not draw that --
6 that is not what Mr. Moulton said, but I haven't fully spoken
7 to him about the earlier trips.

8 Q You are aware that other people during the
9 incident thought it was quite a fantastic idea that there
10 would be enemy submarines in this area; you are aware of
11 that?

12 A I am aware of the history. I have been doing
13 some research on it, yes.

14 Q In fact, when Mr. Hubbard got back to port --
15 Incidentally, you are familiar with a Lieutenant
16 J.G. Kruepke?

17 A The name doesn't ring a bell.

18 Q He was the commanding officer of one of the other
19 vessels.

20 A Okay. True.

21 Q I think it was the SC 536.

22 A I think that was the ship that was following
23 behind. And they had to make a signal so he could drop depth
24 charges, as they had run out.

25 Q Did you note in here that a Captain Bonham or
26 Barham or something in the Bonham refused to cooperate at
27 all? Do you remember reading something like that?

28 A Yes.

1 Q Do you recall that one of the other vessels also
2 refused to cooperate?

3 A I don't remember more than what you have cited.
4 I don't remember a third one. There was, apparently,
5 citations of difficulty with gear.

6 Q Now, did you read in here that Mr. Hubbard's
7 boat --

8 A It was a ship.

9 Q -- ship shot its own antenna off during this
10 engagement?

11 A May have been, yes.

12 THE COURT: An aerial submarine?

13 Q BY MR. FLYNN: Now, right after Mr. Hubbard had
14 this engagement which the Navy said never took place, he
15 sailed down toward the Coronado Islands; is that correct?

16 A That is true.

17 Q And on the Coronado Islands he fired on the
18 Mexican Coast; is that correct?

19 A He did not personally. The ship fired its guns.

20 Q He wasn't the CO?

21 A I'm trying to be very precise. You asked me
22 questions and I tried to deal with documents. I try to get
23 exactly what happened.

24 He did not fire the guns. There was a gunnery
25 officer; he was the commanding officer. The ship fired its
26 guns.

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27/1

1 You know, if you are going to give me a
2 reference that truth is exact time, place, form and event,
3 I tend to agree with that.

4 Q Such as a Bachelor of Science degree?

5 THE COURT: Let's not get argumentative, although
6 it was kind of asked for.

7 Q BY MR. FLYNN: Mr. Young, when the ship fired
8 on the Mexican coast, there was a board of inquiry?

9 A The ship fired off the Mexican coast in a
10 westerly direction.

11 Q And Mr. Hubbard was removed from command as
12 a result of that board of inquiry; correct?

13 A Yes.

14 Q Now do you know how long he had been in
15 command of the PC 815 when he was removed pursuant to that
16 board of inquiry?

17 A Somewhere between two or three months.

18 Q And how long during that period of time was
19 the ship basically being fitted in while it was docked;
20 do you know?

21 A I don't know. I don't really know how long
22 it was being fitted, because he came in during the outfitting
23 process. A ship takes quite a while to outfit, and the
24 crew can come on at a certain point. So I can't respond
25 to that.

26 Q Isn't it basically fair to say that roughly
27 only 10 percent of the two to three months, Mr. Hubbard
28 was actually involved in sailing the ship down the coast?

27/2

1 A I would have to look at the actual logs to
2 be able to draw a conclusion.

3 Q Probably just a matter of days, Mr. Young?

4 A The incident here was in May. You are talking
5 about the incident about the end of June. Right there is
6 a month and a half.

7 Q But what we are restricting ourselves to is
8 the time that the vessel was actually at sea, actually
9 sailing down the coast?

10 A I do not have all those logs. I have an
11 action report here which gives me three days. I know that the
12 ship was down off the Mexican coast the end of June. I
13 do know that. There is six weeks between that period I
14 cannot fill in the rest of the time yet.

15 Q When he was removed from his command pursuant
16 to this board of inquiry, Captain Moulton took the witness
17 stand; didn't he, in the board of inquiry?

18 A You have put the emphasis on the word "Captain."

19 Q Well, then, Ensign Moulton.

20 A No.

21 THE COURT: Whatever the gentleman was, did he testify?

22 THE WITNESS: Yes. He is currently -- that is
23 his current title.

24 THE COURT: We are not worried about that. Just did
25 he testify or didn't he?

26 THE WITNESS: I believe he did.

27 Q BY MR. FLYNN: You have read the board of
28 inquiry?

27/3

1 A Yes.

2 Q And you have also read the affirmations?

3 A Yes.

4 Q And you know that Mr. Hubbard has noted that
5 his men lied for him in the board of inquiry; haven't you,
6 Mr. Young?

7 A I saw that statement made.

8 I withdraw that. Mr. Moulton did not testify
9 at the board of inquiry. He wasn't with the PC 815 at that
10 time.

11 Q Which men lied for him, Mr. Hubbard?

12 A There is no names specified.

13 Q You haven't researched that yet?

14 A No.

15 Q Now do you know whether or not the people who
16 wrote the biographical sketch lied for Mr. Hubbard?

17 A No, I don't.

18 Q About his Bachelor of Science degree?

19 A No, I don't.

20 I take a lie as an intentional misdirection of
21 truth as opposed to somebody who simply gets it wrong.

22 Q How many years of research do you feel needs
23 to be done for a biography, Mr. Young, of Mr. Hubbard?

24 A I remember reading one guy said he expected
25 it to take six months to research a biography and six months
26 to write it, and he was only off by six years.

27 It is hard to tell because it keeps coming
28 up. It would actually take some years, so I can't really

27/4

1 give an honest estimate.

2 Q Well, how much time was Omar Garrison given?

3 A I don't recall.

4 Q Well, there was a due date per the contract,
5 was there not, to have the biography written?

6 A Yes, there was a due date that he agreed upon.

7 Q Do you know how many hours a day during that
8 period of time that Mr. Armstrong was collecting documents,
9 he was working to provide documents to Mr. Garrison to
10 get the book done?

11 A I know that he worked the better part of a
12 day certainly. There was other little things that he'd do,
13 but if your point is he worked the better part of a day,
14 that is true.

15 Q Now, in 1943 during the action off Cape Lookout,
16 did Mr. Hubbard have eye problems based on your research?

17 A According to Mr. Moulton, yes.

18 Q And was that when he saw the periscope?

19 A I don't recall.

20 Q Five hundred yards in a rolling sea?

21 A I don't recall in the report at this moment
22 without going to it who spotted, and it does not say that.
23 It says that he believed that it was.

24 Q Well I could be wrong in the number of yards.
25 Do you know the number of yards, Mr. Young?

26 A I would like --

27 MR. LITT: If we are referring to an exhibit, can
28 the witness be told the exhibit number?

1 Q BY MR. FLYNN: You don't know whether or not
2 Mr. Hubbard spotted the periscope?

3 A I would like to refer to the document to see
4 exactly who spotted it.

5 MR. LITT: Can we have a page number, Mr. Flynn?

6 THE COURT: I assume it is his own records.

7 MR. FLYNN: Let me see if I can find it.

8 THE COURT: His Naval record, Commodore Hubbard's.

9 Q BY MR. FLYNN: Referring you to page 12 where
10 Mr. Hubbard states, "The barrel and lens of the instrument
11 were unmistakable" after saying, "that every man on the bridge
12 saw the periscope rise up through the first oil boil to a
13 height of about two feet."

14 A Yes.

15 Q You see that?

16 A Yes, I do.

17 Q Was that when Mr. Hubbard was having eye
18 problems if you know?

19 A Yes.

20 Q And incidentally this engagement was at night,
21 began at night and then lasted some 55 hours?

22 A Yes. Of course, you are aware it is standard
23 procedure from a bridge to work with binoculars.

24 Q Do you realize in this engagement at one point
25 in time Mr. Hubbard had the ship fire on something they saw
26 in the water which turned out to be a log?

27 A It doesn't say that.

28

28-1

1 Q Would you turn to page 3 at the top, ". . .no
2 definite conclusion could be reached as to the identity of
3 the object. And the range was closed although very probably
4 this object was a floating log; no chances were taken and
5 the target was used to test the guns which had not heretofore
6 been fired structurally"; do you see that?

7 A Yes, I do. That is not how I was asked the
8 question. It says "probably." And also, it was used as
9 target practice.

10 Q This was in the middle of the engagement with
11 the submarines; right?

12 A It says they were testing their guns at that
13 point.

14 Q In the middle of the engagement with the
15 submarines?

16 A Yes.

17 Q Also in the middle of this engagement they left
18 the scene for a period of time because they heard the
19 reporting of a sub to the north; do you recall that? And
20 they found that it was a fishing vessel?

21 A Could I have a page number?

22 Q Page 11, "A report that the sub had surfaced off
23 Sand Lake caused all vessels except the Bonham to go flying
24 north to that position. But before flank speed was attained,
25 the reported 'sub' was reported as a fishing vessel."

26 Do you see that?

27 A Yes.

28 Q Now, I take it that the biographical sketch that

1 you have in front of you, you don't find to be trustworthy
2 or reliable?

3 A It depends -- you would have to ask me more of
4 what you mean by "trustworthy, reliable."

5 Q Such as whether or not he had a Bachelor's of
6 Science degree?

7 A That is just a report. This is hardly a
8 documentation that I would ever use myself.

9 Q You know now, do you not, that he does not have
10 a Bachelor of Science degree?

11 MR. LITT: Objection. Asked and answered.

12 THE COURT: Sustained.

13 Q BY MR. FLYNN: In your view was that reliable,
14 that document, Mr. Young?

15 MR. LITT: Objection. Calls for a conclusion.

16 THE COURT: He is a researcher. If he knows, he can
17 state it. If he has an opinion, he can so state.

18 THE WITNESS: In what sense reliable?

19 Q BY MR. FLYNN: As far as whether it was true.

20 A There are things in here which are true and things
21 which are not true.

22 I cannot say if that document is true or false.
23 I can only point to individual instances or lines as I have
24 been doing with other documents.

25 Q Where it is not reliable?

26 A Yes. But I cannot characterize an entire
27 document line by line that way. I have never done that with
28 any of my documents.

1 Q Now, that document -- well, you don't know how
2 long that document was published by some organization
3 affiliated with Mr. Hubbard; is that correct?

4 A I only know what it says here.
5 It says "PRO News 1809 West Eighth Street,
6 Los Angeles."

7 Q This story that you heard about the red haired
8 man from the West being in China from someone who heard it
9 from someone, is that more reliable than the biographical
10 sketch that was published?

11 A I didn't represent it as such. I simply
12 represented it as the type of information you get that you
13 have to follow down.

14 Q So you have to do more work on that?

15 A Absolutely. We are going to obtain the records.
16 We have the person who gave us the name. We are going to
17 track her or her next of kin down to find the records.

18 Q Do you have a bias toward Mr. Hubbard,
19 Mr. Young?

20 A I think he is a fine man.

21 Q Do you have a bias toward Mr. Hubbard?

22 A Probably, yes.

23 Q And that is what you criticized Mr. Armstrong
24 about, having one against him; is that correct?

25 A There is no way that anyone would ever absent
26 themselves from bias. But when it begins to control you where
27 you cannot distinguish facts, then it becomes something
28 else.

1 Every writer has a bias. You have to shake it
2 off before you get your final out of the typewriter product.

3 Q I think you testified as fact that L. Ron Hubbard
4 engaged in combat as set forth in exhibit 60; you found that
5 to be fact?

6 A I was asked for my definition. And this came
7 from Naval Archives. It says what it says.

8 Q The Navy didn't consider it to be fact, did it?

9 A The Navy now is a generality. I have the name
10 of an officer that can attest to it; the Navy didn't.

11 Q The Commander Thompson, that is the Commander
12 Thompson who was a doctor at the Oak Knoll Hospital where
13 Mr. Hubbard was undergoing psychiatric care?

14 A I can't give a confirmation of that, that that
15 is the Commander Thompson as to the second part of your
16 question, no.

17 Q It is not the Commander Thompson that was at the
18 Oak Knoll Hospital?

19 A No, as far as I can tell, no.

20 Q Did you find records under seal that there was
21 a Thompson who treated Mr. Hubbard at the Oak Knoll Hospital?

22 A No. There is a document with a Thompson's
23 signature which does not say "treatment" as far as I
24 remember, it has to do with when he was being separated.

25 Q Do you know whether this Commander Thompson was
26 a doctor at the Oak Knoll Military Hospital?

27 A No. I don't. Because we found the Thompson
28 that seems to be the right one. So we went with him.

1 Q What about Mr. Hubbard's Purple Heart; did you
2 find where he got that?

3 A We haven't completed that yet.

4 THE COURT: We'll take a recess; maybe you can complete
5 something.

6 We'll reconvene at 1:30.

7 (At 12:00 p.m., a recess was taken
8 until 1:30 p.m. of the same day.)

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1 LOS ANGELES, CALIFORNIA; THURSDAY, MAY 31, 1984; 1:32 P.M.

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4 THE COURT: Very well. In the case on trial let
5 the record reflect that counsel is present.

6
7 VAUGHN YOUNG,

8 the witness on the stand at the time of the noon recess,
9 having been previously duly sworn, resumed the stand and
10 testified further as follows:

11 THE COURT: The witness has retaken the stand. Just
12 state your name again for the record, sir.

13 You are still under oath.

14 THE WITNESS: Vaughn Young.

15 THE COURT: You may continue, Mr. Flynn.

16 MR. FLYNN: Thank you, Your Honor. I just have a few
17 minutes.

18
19 CROSS-EXAMINATION (Resumed)

20 BY MR. FLYNN:

21 Q Mr. Young, do you recall your testimony with
22 regard to Laurel Sullivan originating the idea about money,
23 as you put it, with respect to the contract?

24 A Yes, I do.

25 Q Haven't you previously stated in correspondence
26 that it was Mary Sue Hubbard who insisted on a separate
27 contract with separate royalties for L. Ron Hubbard?

28 A I don't believe I said that at all.

1 Q Well let me show you what has been marked as
2 exhibit JJ. Didn't you say therein:

3 "That it is not difficult to see that the
4 money became the primary product and topic of
5 discussion, and this is where the cycle went off
6 the rails for no one was working back from the
7 product after MSH" -- Mary Sue Hubbard --
8 "insisted on a separate contract for LRH."

9 A Yes, that is what it says.

10 Q And, again, on page 2, didn't you say --

11 MR. LITT: Can I have the paragraph?

12 MR. FLYNN: Paragraph 8.

13 "She" -- referring to Mary Sue Hubbard --
14 "wanted two contracts, PDK and OVG and another
15 between PDK and LRH for separate royalties."

16 You said that; didn't you?

17 A I said that.

18 Q Do you recall a meeting in the spring of 1982
19 in which you were present with Omar Garrison and Lyman Spurlock?

20 A Yes.

21 Q Do you recall when Mr. Spurlock said at that
22 meeting to Mr. Garrison that Mr. Garrison was a blackmailer?

23 A He did not use those exact words.

30-1

- 1 Q Did he use the word "blackmail"?
- 2 A Yes.
- 3 Q And then after that meeting you had the meeting
4 with Mr. Spurlock -- with Mr. Garrison at Mr. Garrison's
5 house; is that correct?
- 6 A Yes.
- 7 Q And that is when Mr. Garrison used the language
8 against Mr. Spurlock about which you have testified?
- 9 A Yes.
- 10 Q Now, how long have you worked for ASI?
- 11 A It's about two years now.
- 12 Q And before that you worked for the Guardian's
13 Office for about 13 years?
- 14 A Yes, but with the brief period in the archives.
- 15 Q So you basically went from 13 years in the
16 Guardian's Office, a brief period in the archives, and then
17 to Author Services Inc.?
- 18 A Basically, yes. Yes.
- 19 Q And Author Services Inc. is a company that
20 basically manages the affairs of L. Ron Hubbard; is that
21 true?
- 22 A Among our activities, yes.
- 23 Q Isn't that the primary activity?
- 24 A The primary activities are the literary affairs
25 dealing with his works, records, and books.
- 26 Q Your client is basically L. Ron Hubbard?
- 27 A Yes; basically, not all of it.
- 28 Q Do I take it that you are appearing here today

1 as an employee of Author Services Inc.?

2 A No. I am appearing here because the attorneys
3 asked me because I have worked in the archives and knew the
4 area, knew the documents. They asked me to undertake the
5 research. That is why I appeared.

6 Q Who transferred you from the Guardian's Office
7 to Author Services Inc.?

8 A Nobody.

9 Q Larry Brennen, he was in the Guardian's Office;
10 wasn't he?

11 A He was at one time.

12 Q And he was the individual who signed the contract
13 for PDK; isn't that correct, the October 30, 1980 agreement
14 between Garrison PDK?

15 A I believe he was the one who signed those.

16 Q Now, in all the years that you were involved with
17 Scientology -- strike that.

18 When you have been doing your research have you
19 uncovered any lies by L. Ron Hubbard about his background?

20 A No. I wouldn't say that I turned up anything
21 that I could directly and honestly attribute to him that I
22 would call a lie.

23 Q And you have been working on and off on this with
24 the archives and the documents for three years and then
25 intensely for the last four weeks; is that it?

26 A Yes.

27 Q And you have drawn these conclusions about
28 Mr. Armstrong and his research into the life of L. Ron Hubbard

1 based on your work during that period of time; is that
2 correct?

3 A Yes.

4 Q Now, did you ever consider when you arrived at
5 these conclusions how long Mr. Armstrong had actually worked
6 with or been in the presence of L. Ron Hubbard --

7 A No.

8 Q -- where he had the opportunity to personally
9 observe the man and talk to him?

10 A No. Because I also have spoken with other people
11 that spoke with him. So I didn't take that into direct
12 consideration.

13 Q Have you ever met L. Ron Hubbard?

14 A No.

15 MR. FLYNN: No further questions.

16 THE COURT: Redirect examination?

17 MR. LITT: Thank you, Your Honor.

18
19 REDIRECT EXAMINATION

20 BY MR. LITT:

21 Q Mr. Young, you were asked whether you had
22 reviewed -- to what extent you reviewed archives materials.
23 And you said that you had not reviewed all of them.

24 For purposes of your work on this case did you
25 review the documents relating to basically the pre-Scientology
26 period of Mr. Hubbard's life concerning which you were being
27 asked to do some research?

28 A Yes, I did.

31/1

1 Q And you reviewed the archives documents that
2 related to those time periods and the issues in this case?

3 A Yes, I did. There were certain records that
4 simply fell outside that purview.

5 Q Now, you also said that you have indicated you
6 had a desire of writing a biography of Mr. Hubbard at some
7 point; do you recall that?

8 A Yes.

9 Q Now are you working on a full-time basis or
10 anything like that in doing a biography of Mr. Hubbard?

11 A No, I am not.

12 Q When you say that you have a hope of writing
13 a biography, did that refer to some work that at this point
14 you have just done on the side as time has permitted?

15 A Very much so. It is the first thing that you
16 have to do before you undertake any topic is you have to see
17 what's there, get an estimate of how long, and you are never
18 really writing it until you are writing it.

19 Q Mr. Flynn asked you a couple of questions
20 concerning the affirmations. He asked you questions concerning
21 you had seen statements in there regarding Mr. Hubbard's
22 eyes being an excuse or his hips as opposed -- you recall
23 those questions?

24 A Yes.

25 Q If you recall, did those arise in the context
26 of where Mr. Hubbard is discussing -- I will use the
27 court's term -- a form of positive reinforcement?

28 THE COURT: I said possible.

1 MR. LITT: I understand.

2 Q Was that your understanding of the context?

3 A Yes, especially given other statements about
4 it in which -- I think the court's description is very
5 adequate. They were short, positive statements.

6 Q Now, Mr. Flynn asked you about Mr. Hubbard's
7 transfer from the Algot; you recall that?

8 A Yes.

9 Q And first he asked you about some incident
10 which I don't recall at this point that happened the day
11 after Mr. Hubbard was transferred; do you recall that?

12 A Yes, I do.

13 Q What was that incident again?

14 A This was what today would be called a Molotov
15 Cocktail, but a gasoline bomb was found aboard material being
16 unloaded aboard the ship.

17 Q And had Mr. Hubbard been scheduled for this
18 transfer before this incident occurred?

19 A Yes, he had made the request. I don't have
20 the dates in front of me, but the request had already been
21 made up to 10 days, 2 weeks before up to the command lines
22 because an officer couldn't be transferred off a ship without
23 the higher authorities.

24 MR. LITT: Your Honor, may I take a look at exhibit
25 500-I for a moment?

26 THE COURT: If you can locate it. I am sure Rosie can.

27 Q BY MR. LITT: Now, Mr. Young, Mr. Flynn asked
28 you some questions about statements made by Mr. Hubbard

1 concerning his war record and you made reference to the
2 fact that the last statement that you were aware of that was
3 known to come directly for him or had been written by him
4 was in connection with Thompkins, something like that; is
5 that correct?

6 A There was a Thompkins that was pretty much
7 like in the stage that I am right now, considering doing a
8 biography and the material had been supplied to him for
9 that purpose.

10 Q And when you say material had been supplied
11 to him for that purpose, to your knowledge had Mr. Thompkins
12 posed a series of questions in written form and Mr. Hubbard
13 given or dictated what was then written down?

14 A We don't know who posed the topics. They were
15 responded to and were sent off to Mr. Thompkins.

16 Q Do you know when that was?

17 A that would have been circa's '74-'75.

18 Q There is a date on this document 500-I that
19 has June '72.

20 A That is correct.

21 Q Now with respect to his war years, what did
22 Mr. Hubbard say in that document regarding his war years?

23 A This is on page 25 War Years:

24 "I am the last person in the world to
25 advertise war. I served the U.S. government
26 and the U.S. Navy for several years. Was honorably
27 discharged as an officer. Drew heavy disability
28 compensation to this date and really don't care to

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say much more about it."

And that is the section of war.

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1 Q And this is from exhibit 500-I?

2 A That is correct.

3 MR. LITT: I have nothing -- excuse me. Just a
4 moment.

5 Q Oh, also in the same document -- in the same
6 document there is also reference to Mr. Roberts in which
7 Mr. Hubbard is asked, presumably, something about a rumor
8 started about his connection to Mr. Roberts.

9 A That is correct.

10 Q And what did Mr. Hubbard say in response to
11 that?

12 A It is on the same page. It follows the war
13 years' entry and says:

14 ". . .Mr. Roberts, I frankly don't
15 know how this came about. Many of my friends
16 in New York were playwrights. When I was there
17 after my return from the South Pacific in the
18 middle of 1942 and that is when there were
19 very few people that had been in the war so
20 far; the story must have made it rounds amongst
21 my playwright friends. Later in 1944 I was
22 again on the playwright beat and entertained
23 my friends with the fabulous story of 'The
24 Bucket.' Later some of my friends told me
25 I had been immortalized. I didn't know what
26 they were talking about. This is all the
27 connection that I know about. Of course, there
28 may be no connection at all."

1 I have nothing further, Your Honor.

2 THE COURT: Mr. Flynn.

3

4

RECROSS-EXAMINATION

5

BY MR. FLYNN:

6

Q When you were doing your research did you find
7 at some times that Mr. Hubbard said different things to
8 different people?

9

A Obviously. I don't find that unusual.

10

Q Where one statement was inconsistent with the
11 other statement.

12

A You would have to give me a particular instance
13 to find out exactly what might be meant by that.

14

Q You can't think of anything offhand?

15

A I know that -- an incident would be characterized
16 differently to different people. But I never found that
17 there was a flagrant contradiction, if that is what you are
18 driving at.

19

Q Well, when you read the last document I take it
20 you understood that to be that Mr. Hubbard was disaffirming
21 the Mr. Roberts' story?

22

A "Disaffirming"?

23

Q Saying that the Mr. Roberts' story was not true.

24

A I think it says exactly what it says.

25

I do know that the ALGOL was the Bucket. And
26 I do know -- even in speaking with one of the former crew
27 members who related this, there was an incident of a plant
28 being thrown off the ship of the captain, exactly the way

1 it occurred. But that is all I know.

2 Q The question is very simple; did you read the
3 last statement based on the belief that Mr. Hubbard was
4 saying that Mr. Roberts story was not true?

5 MR. LITT: Objection. That calls for a conclusion.
6 The document speaks for itself as to what Mr. Hubbard said.
7 The Court has heard it; Mr. Flynn has heard it.

8 THE COURT: I'll sustain the objection.

9 Q BY MR. FLYNN: In any event, the exhibit that
10 was shown to you this morning was an exhibit in which
11 Mr. Hubbard said or a biographical sketch of Mr. Hubbard
12 in which he said that he was Mr. Roberts; is that correct?

13 MR. LITT: Objection. The document speaks for itself,
14 Your Honor.

15 THE COURT: Yes, it does.

16 Q BY MR. FLYNN: To clarify one other point, I
17 know that Mr. Litt used the term "the day after" in his
18 question; did you say that the gasoline bomb incident
19 happened the day after Mr. Hubbard left the ALGOL?

20 A No. I didn't say that.

21 Q It was Mr. Hubbard who found the Molotov cocktail;
22 right?

23 A According to the log Mr. Hubbard was the one who
24 reported it found. That is exactly what the document says.

25 Q And then the next day he was transferred?

26 A I would have to look at the log to see if it was
27 the next day or shortly thereafter. I cannot be that
28 precise.

1 MR. FLYNN: That is all I have.

2 THE COURT: Anything further?

3 MR. LITT: No, Your Honor.

4 THE COURT: You may step down, sir.

5 MR. LITT: Could we have a moment for our next witness,
6 Your Honor? He is right outside.

7 THE COURT: Yes.

8 MR. LITT: Your Honor, the next witness will be Tom
9 Moulton. And Mr. Peterson will do the examination on that.

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1 THE COURT: Please take the stand and be sworn, sir.
2 The clerk will swear you as a witness.

3
4 THOMAS S. MOULTON,
5 called as a witness in behalf of the plaintiffs in rebuttal,
6 was sworn and testified as follows:

7 MR. FLYNN: Your Honor, I'd only note that Mr. Moulton
8 is not named on the witness list, but in view of the witnesses
9 that we didn't name, I have no objection.

10 MR. LITT: This is rebuttal. We don't need to name
11 rebuttal witnesses.

12 THE CLERK: Please state your name and spell your last
13 name.

14 THE WITNESS: May I get my breath for just a minute?

15 THE COURT: Sure.

16 MR. PETERSON: Your Honor, Captain Moulton has a
17 little bit of a physical condition. I would request that if
18 during either direct or cross-examination he needs to take
19 a break to stand up, he gets sort of I guess a cramp in his
20 leg and and he's had a long hike down the hall, with the
21 court's permission that he could just stand. I think with
22 a cramp --

23 THE COURT: If you'd rather stand than sit --

24 THE WITNESS: I'd rather sit, but it may cramp up on
25 me.

26 THE COURT: Certainly.

27 THE WITNESS: Thank you, sir. Okay.

28 THE CLERK: Could you state your name, please?

1 THE WITNESS: Captain Thomas S. Moulton, M-o-u-l-t-o-n.

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DIRECT EXAMINATION

4

BY MR. PETERSON:

5

Q Mr. Moulton, do you have a rank or position at
6 the current time?

7

A I am retired as a retired captain. My license
8 is still intact.

9

Q What type of license is that that you have?

10

A Master Mariner.

11

Q And where do you currently reside?

12

A In Georgetown, Maine.

13

Q And how long have you lived there?

14

A All of my life practically.

15

Q And other than your license as Master Mariner,
16 do you hold any other licenses?

17

A I hold radar endorsements, of course, on
18 that. I am also a licensed emergency medical technician.

19

Q And when did you first get your Master's
20 license?

21

A 1947.

22

Q And with a Master's license, what does that enable
23 you to do?

24

A My license is endorsed as Master of any vessel,
25 steam or motor, of any tonnage on any ocean.

26

Q And how long have you held that license?

27

A Since 1947.

28

Q And at one time did you hold a position in the

1 United States Navy?

2 A I did, sir.

3 Q And when did you first join the Navy?

4 A The end of 1940 or the beginning of 1941.

5 I think it was January of '41.

6 Q And prior to joining the United States Navy
7 did you have any other experience on the high seas?

8 A Not on the high seas. I was a coastwise
9 fisherman for a time.

10 Q For approximately how long?

11 A Off and on for two or three years.

12 Q And when you first joined the United States
13 Navy in January of '41, I believe, what was your first
14 rank?

15 A Ensign.

16 Q And where did you first serve?

17 A I was sent to Jacksonville, Florida at the
18 Naval Air Station.

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34 1 Q And what course did you take at the Naval Air Station?
2 Station?

3 A At the Naval Air Station I sat before an
4 examinations board to change the type of classification of my
5 commission from aviation specialist to deck terminal
6 service.

7 Q Where was that?

8 A Jacksonville, Florida.

9 Q And after completing the course of duty in
10 Jacksonville where did you then go?

11 A I was then sent to Cambridge, Massachusetts.

12 Q What rank or position did you hold in Cambridge?

13 A I was then Lieutenant Junior grade.

14 The Navy had taken over the Harvard yard
15 and some of their buildings as a training school for
16 senior officers.

17 I was head of the Navigation Department there.

18 Q Were you an instructor?

19 A Yes, sir.

20 Q For how long did you instruct there at Harvard?

21 A For the first two classes when we reappointed
22 our successors from the class graduates.

23 I left there in the fall.

24 Q When you left Cambridge where did you then
25 go?

26 A Miami, Florida to the Sub Chasing Training
27 Center.

28 Q At the Sub Chaser Training Center, what

1 was the course of instruction that was offered there?

2 A Well, a certain amount of ship handling,
3 so forth; primarily it was anti-submarine warfare tactics
4 and quite high qualifications in sonar.

5 Q How long a course in this instruction was
6 offered at the Sub Chaser School in Miami?

7 A As I recall, it was 60 or 90 days.

8 Q While you were at the Sub Chaser School in
9 Miami, what year was that?

10 A That would have been 1942.

11 Q Do you recall the month?

12 A I left there just before Christmas, I think.
13 I think it was Christmas Eve.

14 Q So it would be safe to say late October is
15 when you first arrived?

16 A I would think so, yes.

17 Q And while you were in Miami at the Sub Chaser
18 School did you meet L. Ron Hubbard?

19 A I did.

20 Q Was he also attending school?

21 A Yes. He was in my class.

22 Q Did you know him socially?

23 A Quite well.

24 He was a guest of my wife and me at dinner;
25 we were his guests many times. We were quite close.

26 Q He was also attending the school?

27 A He was, sir.

28 Q And at school he was taking the same courses

1 you were taking?

2 A Yes, the same class.

3 Q And do you recall his rank at that time?

4 A He was two stripes, full lieutenant.

5 Q And to your knowledge had he any previous
6 naval experience before attending the Sub Chaser School?

7 A It was common knowledge that he had been
8 in destroyers for some time before that.

9 Q You don't have the exact details?

10 A Other than hearing the instructors in the
11 classrooms refer to it.

12 He was used as something an authority in
13 the classroom.

14 Q Do you know what his position was on these
15 destroyers?

16 A I am told he was gunnery officer on the EDSEL.
17 I don't know about the others.

18 Q You mentioned that you left the Sub Chaser
19 School in December of 1942; where did you go from there?

20 A I was pulled out of the class a week or ten
21 days ahead of time.

22 There was a Sub Chaser being completed in
23 Massachusetts that the captain had been taken ill on
24 and they needed a captain. Because I was near the top
25 of the class, I was pulled out ahead of time, I think
26 a week or ten days. And I took over command of the SC767.

27 Q Did you see any duty on that sub chaser?

28 A Yes, sir. I brought her -- well, several

1 patrols, quite a few patrols.

2 I had her for several months. I don't remember
3 just how long.

4 I finally brought her to Miami and she was
5 then turned over to the Brazilian Navy under Lend Lease.

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1 Q Now these patrols were along the eastern seaboard
2 of the United States?

3 A Yes, sir, and offshore.

4 Q And at that time was there an imminent danger
5 of enemy submarines in the area?

6 A There were sinkings all up and down at that time.
7 We were so desperate for ASW vessels.

8 Q And ASW is?

9 A Anti-Submarine Warfare.

10 Q And when did you again have communication with
11 L. Ron Hubbard?

12 A After my ship was turned over to the Brazilians
13 which would have been sometime in the early spring, perhaps
14 March, I was assigned to a PC as executive officer. We started
15 for the Southwest Pacific, but we were diverted en route
16 to Key West and went through a week or ten day course in
17 anti-submarine warfare at the fleet sound school.

18 Then I was promoted, was senior to the captain,
19 so I was detached and then I returned to Miami to a subchaser
20 training center for reassignment, and I received a call from
21 Ron Hubbard that his executive officer was either ill or
22 had been transferred or something. I don't recall the details.

23 Q You recall at that time where Mr. Hubbard was
24 stationed?

25 A He was in Portland, Oregon at the Albina Engine
26 and Machine Works with his new ship being built, and although
27 I had a chance to go probably as captain myself on the PC,
28 he asked me as a particular favor would I come out for a

35-2

1 time as his executive officer because he was in serious
2 difficulties, and that I did do.

3 Q And the serious difficulties, was that as a result
4 of losing his executive officer?

5 A Mostly that. His executive officer had been
6 transferred for some reason and he had two young ensigns
7 who were not very experienced, of course. He was also ill
8 at the time. He was recovering from, I believe, pneumonia
9 but I am not certain.

10 Q And then did you travel to Oregon?

11 A I did.

12 Q And when you first arrived in Oregon, did you
13 meet with Mr. Hubbard?

14 A I did. He had just come from the hospital or
15 wherever he had been laid up. I think that was his first
16 day back to duty.

17 Q Did he seem to be in good physical condition?

18 A Other than recovering from this illness that
19 he had had, yes, sir.

20 Q And when you took over duties, had the ship that
21 Mr. Hubbard had been working on, had it been commissioned
22 yet?

23 A No, sir.

24 Q What was the status of that ship?

25 A She was still in building.

26 Q And is that the ship that was later designated
27 the PC 815?

28 A That's correct.

35-3 1 Q And were you also stationed there in Albina?

2 A Albina Engine and Machine Works was the name
3 of the shipyard.

4 Q And that is in what city?

5 A Portland, Oregon.

6 Q Did you have an opportunity also to visit with
7 Mr. Hubbard on a social basis?

8 A Yes, he and his wife and I went to dinner several
9 times.

10 MR. PETERSON: Your Honor, may I approach the witness?

11 THE COURT: All right, you may.

12 MR. PETERSON: Your Honor, I am showing the witness
13 a photograph. Could we have that marked as plaintiff's next?

14 THE COURT: 90, I believe.

15 Q BY MR. PETERSON: Captain Moulton, do you recognize
16 either of those two gentlemen?

17 A I do.

18 Q And who is the officer on the right?

19 A On my right?

20 Q The right-hand side of the picture.

21 A That is I before the beard.

22 Q And about what month and year was that taken?

23 A That was taken in 1943. I would think in April,
24 perhaps March, but probably April.

25 Q And was that taken in Albina?

26 A It was taken in the shipyard in one of their
27 offices.

28

36
1 Q And the gentleman on the left, do you recognize
2 that gentleman?

3 A That is L. Ron Hubbard.

4 Q And is that the way he looked in April of
5 1943?

6 A Exactly.

7 Q And what was the purpose of taking that photograph?

8 A It was for publicity purposes for the shipyard,
9 I believe.

10 Q It was actually taken in the office of the
11 shipyard?

12 A Yes, it was.

13 Q And have you had that photograph in your
14 possession since 1943?

15 A I have had the original of that in my possession,
16 yes.

17 Q And I notice in that photograph that Captain
18 Hubbard is wearing dark glasses; is that correct?

19 A That is correct.

20 Q And in all the times that you knew him in
21 Portland did he wear dark glasses?

22 A It was necessary for him to wear them, yes.

23 Q And when you knew him in Miami did he wear
24 dark glasses?

25 A Yes, he did, the same glasses.

26 Q Did he ever tell you why he had to wear the
27 dark glasses?

28 A Yes.

1 Q What did he say?

2 A He said that his eyes had been injured in
3 the flash from a large caliber gun. I think it was a
4 four or five-inch gun on a destroyer he had been on.

5 The gun was fired prematurely. He was standing
6 adjacent to the muzzle and he received a bad flash burn
7 which did not impair his vision, but it was very painful
8 for him to go around in any sort of light without the
9 glasses on.

10 I saw him try it on one occasion.

11 Q On this one occasion that he tried to go
12 without his glasses, could you describe that?

13 A Yes. We were in a place in Seattle, I believe,
14 known as the Seattle Tennis Club. There was this function,
15 a dance or something, going on. And one of the ladies
16 in the party was kidding him about wearing dark glasses
17 in dim light at night.

18 And he told her why. And for some reason,
19 she thought that was a strange story.

20 So to go along with it, he took his glasses
21 off.

22 Within five or ten minutes, even in that
23 dim light, his eyes watered very badly, became red. And
24 I think he said he had a very bad headache.

25 He put his glasses back on and from then
26 on wore them at all times except on the bridge at night
27 in the dark.

28 Q Now, at any time when you were with Mr. Hubbard

1 in Portland did he have any complaints about pain in
2 his low back or any area like that?

3 A He frequently complained of pain in his right
4 side and the back in the area of the kidneys which he
5 said was due to some damage from a Japanese machine gun
6 very early in the war.

7 And from that he had considerable difficulty
8 in urination. And upon at least one occasion I saw him
9 urinating bloody urine. He had great difficulty in urinating.

10 Q Now, at some time I presume that the PC815
11 was completed and ready for sea duty, is that correct?

12 A That is correct.

13 Q And do you recall about what time that was?

14 A That would have been -- I would think about --
15 I don't know the exact date, but about the 1st of May;
16 perhaps the last week in April of '43.

17 Q And when the ship was completed, what did
18 you and Captain Hubbard do at that time?

19 A We stayed in Portland for a week or ten days
20 outfitting and conducted trials, builders' trials, during
21 which time the propeller was damaged. And we came back
22 and we drydocked to repair that.

23 The pilot managed to hit a mud lump in the
24 river or something on the trials. That was repaired;
25 we finished outfitting and went down the river sometime
26 about the 10th, 11th, perhaps 12th of May.

27 Q And when the trial runs and the outfitting
28 had been completed, did you at that time receive any orders?

1 A Yes. We were ordered to proceed to Astoria
2 for loading ammunition. And then we were supposed to
3 go to Seattle to have Radar installed and some other
4 equipment.

5 Q Did you commence to proceed to Astoria to
6 take on ammunition?

7 A Yes, we did.

8 Q Did you make it there?

9 A When we got to Astoria they only gave us
10 a small quantity of ammunition for structural firing,
11 the tests that had to be made.

12 Q What are structural firing tests?

13 A The main gun had to be fired a certain number
14 of rounds, perhaps a half dozen or something.

15 We had to roll ash cans from the racks on
16 the stern and also fire the K-guns.

17 Q "Ash cans," are those --

18 A Depth charges.

19 Q -- used in sinking submarines?

20 A That is correct.

21 Q What are "K-guns"?

22 A They were guns shaped roughly in the shape
23 of the letter K that fired depth charges. There were
24 two of them aft so you could fire depth charges on each
25 side through the air some distance from the ship.

26 Q The ash cans, would they roll off the back?

27 A They rolled off two racks in the back.

28 Q Were there any other armaments on that ship?

1 A Yes. She carried a 40-millimeter gun; she
2 had three-inch 50, I believe. I may be confusing her
3 with another ship, but I think she had a three-inch 50.

4 I know she had a 40-millimeter forward and
5 I think the three-inch 50 aft.

6 She carried two or three 20-millimeters;
7 I think perhaps two.

8 Q After you had taken on the ammunition in
9 Astoria, then you proceeded to test fire the guns?

10 A Not at that time. We were due to go to Bremerton
11 to do this at the Navy yard in Seattle.

12 There was a Navy plane that went down off
13 the coast and all of us were ordered out to search for
14 that ship or that plane. And when we came back in, our
15 orders were then changed. And instead of going to Seattle,
16 because we were already late from this other thing, we
17 would proceed to, I think it was, San Francisco. I have
18 forgotten. I think it was San Francisco or San Diego,
19 one or the other. And then we would conduct these tests
20 en route.

37-1

1 Q Okay. The trip to Seattle and the Bremerton
2 shipyards at that location, I believe you testified that
3 you were going to outfit the ship with radar equipment?

4 A She was to get radar and also rocket propelled
5 mousetraps which they did not carry at the time.

6 Q What is a rocket propelled mousetrap?

7 A They were rockets that could be fired from the
8 foredeck. They were used in ASW attacks. They were a
9 generation ahead of the depth charges. They later became
10 standard equipment on all ships of that type.

11 Q Okay. So with the test amount of ammunition
12 that you had loaded at Astoria, you then proceeded, I believe
13 it would be south down the coast?

14 A We were bound south for either San Diego or
15 San Francisco. I don't recall.

16 Q And do you recall the approximate date that you
17 had commenced the trip south?

18 A It would have been, I would think, the last week
19 in May. I am not certain of the date, perhaps the 22nd,
20 23rd. I am not sure.

21 Q And that is 1943?

22 A Yes, sir.

23 Q And when you say "we," how many other ships were
24 in the group?

25 A We were alone. We were en route by ourselves.

26 Q And who was the captain of that ship?

27 A Ron Hubbard.

28 Q And that is the PC 815?

37-2

1 A That's correct.

2 Q And what was your duty on the ship?

3 A Well, I had several hats because there were only
4 four officers and quite a few departments. I was executive
5 officer. I was also the medical officer. I was communications
6 officer, and I was also the engineering officer.

7 Q Did Mr. Hubbard also wear several hats?

8 A No, sir. He was captain or commanding officer.
9 That was all.

10 Q That was standard?

11 A That was standard on all ships with reduced
12 personnel.

13 Q And did you have any type of sonar detection
14 equipment on that ship?

15 A Yes, sir. We had the latest sonar equipment
16 at that date that was being used in anti-submarine warfare.

17 Q Had you personally had any training on sonar
18 equipment?

19 A Yes, sir, both in Miami and in Key West. I was
20 considered an expert on it. So was Ron, of course.

21 Q And did you also have a separate officer or
22 enlisted man who held the duty of operating sonar equipment?

23 A We had either two or three sonar operators, one
24 or two were third class, and I think one was first class
25 or second, and this came under me directly under communications.
26 I was in charge of the sonar.

27 Q And part of your training in the subchaser school
28 in Miami, did you take instruction on the use of sonar

37-3

1 equipment?

2 A Yes, sir. We had what today are known as
3 simulators which were used in the Navy and in the Air Force,
4 also, where the computer duplicated a submarine and his
5 motions, and submarine trained people operated the computer
6 and our bridge crew would operate the ASW team equipment,
7 and we had mock battles.

8 Then, in Key West we operated on live submarines
9 with test firing equipment and conducted many runs there
10 also.

11 Q When a submarine is detected on some sonar
12 equipment, does it make a distinctive response or noise of
13 any kind?

14 A Well, in the equipment of that day, I can't speak
15 for what is used today, I am not familiar, you sent an outgoing
16 signal and a pinging sound was reproduced as that signal
17 went out. When the signal did not encounter any object,
18 there was no return. It was merely a series of pings which
19 went on day and night when you were underway.

20 On anything that was picked up in the beam from
21 this, you received an echo coming back which you then had
22 to distinguish as to whether it was metal, such as a ship,
23 a submarine, a whale, a fish or just disturbances in the
24 water. They all had characteristic types of echoes.

25 Q And part of your training was to distinguish
26 between the different characteristics of the returning sound
27 on the sonar?

28 A A good part of our training was, a great part

37-4
1 because that was vital to a successful attack.

2 Q And how could you distinguish the sound, for
3 example, that would be made with sonar bouncing off of a
4 whale versus a submarine?

5 A Well, when the sonar beam hit the whale, he would
6 naturally have blubber and so forth, and the echo that returned
7 was not as sharp. If you hit metal, other than in bad
8 conditions of sound reception, it came back as a much crisper,
9 sharper echo just as though you had talked to a hard wall
10 as opposed to a padded cell type of wall.

11 Q And disturbances, for example, bubbles or any
12 other type of disturbance in the water, would that have a
13 sound that was even different from that of a whale or a fish?

14 A They all had a most characteristic sound under
15 ideal conditions.

16 Q And the sonar equipment on the PC 815, where
17 was the receptor?

18 A The equipment was in a small alcove right on
19 the bridge. You could draw a curtain across it so the light
20 at night didn't bother the bridge crew, but it was essentially
21 on the bridge in a little alcove.

1 Q Was there some scope on the sonar equipment also?

2 A There was the operating dial with an arrow which
3 indicated the direction that it was being trained at at the
4 time.

5 There were numerous operational gauges along with
6 it, but essentially it gave you the bearing that you sent
7 the signal out on. And when it came back, then, of course,
8 you had a receiver much as a loud speaker where you could
9 listen to the echo. The sound man heard the same thing on
10 earphones. And I or whoever wanted to check it also had a
11 pair of earphones which gave you better fidelity.

12 Q And on the trip south in May of 1943 as an
13 officer you were usually stationed on the bridge?

14 A I stood a watch on the bridge a four-hour watch.

15 Then I stood an additional watch because our
16 two ensigns were not very experienced and usually when they
17 were on watch, except under ideal conditions, I stood by on
18 the bridge or in the chart room with one of them and Ron
19 stayed back on with the other one.

20 Q And as you were proceeding south in May of 1943
21 at some point did someone raise an alarm that there was a
22 possible submarine in the area?

23 A Yes, sir.

24 Q And to your recollection who first raised that
25 alarm?

26 A Three of us did.

27 Ron was on the bridge; I was on the bridge and
28 the sonar man, of course.

1 All three called out at once. All three of us
2 did, but there was a return echo.

3 Q And when you heard the return echo what did you
4 then do?

5 A I immediately went to the sound gear. I probably
6 put on my head set. That would have been routine. And we
7 proceeded to evaluate the echo.

8 Q And when you say "we," who were the other people
9 on the bridge?

10 A The sonar man, man, and myself.

11 Q And Ron is L. Ron Hubbard?

12 A That is correct.

13 Q And did you, after listening to the return sound
14 on the sonar reach a conclusion?

15 A After we had evaluated it, there was more to it
16 than just listening to the return echo.

17 You checked the width of the target. Because
18 you knew the tapered width of the beam, you could estimate
19 the length of the target that you were getting a return
20 from.

21 You also checked it for a doppler which would
22 be an indication of whether the range was opening or closing.
23 This, you detect in the sound. You listen for screw noises
24 or anything else that could help you evaluate the contact.

25 In this case, after evaluation, we had determined
26 it was a submarine.

27 Q You mentioned you listened for screw noises?

28 A The propeller sound coming from a ship, for

1 example, or a submarine as opposed to the sound made by
2 dolphins, whales, so forth. They are all more or less
3 characteristic.

4 Q The screw noises would be the sound of the
5 propeller under water?

6 A That is correct.

7 Q Does a propeller under water have a distinctive
8 sound?

9 A Very definitely.

10 As a matter of fact, you can almost, if you are
11 active in listening constantly and up to date in your
12 practice, usually you can determine the type of ship it is.
13 They all have a characteristic signature or sound.

14 Q And after listening to the sonar sounds for some
15 period of time did you make an evaluation regarding the
16 length of the target?

17 A We decided it was roughly the length of a
18 submarine.

19 It made noises like a submarine and it was
20 behaving like a submarine.

21 Q Did you hear screw noises?

22 A We did.

23 Q And could you tell if the ship, the under water
24 target was coming toward you, away from you, or moving in
25 what direction?

26 A We would have been able to know from the doppler
27 effect on the sound as well as once we began an evaluation,
28 sooner or later we would start a time plot and start plotting

1 what the target was doing, whether it was stopped, whether
2 it was moving, and, if so, what course.

3 This was done both with what was then a highly
4 classified attack piece of electronics, now, knowledge and
5 obsolete. But it was then the very latest that very few
6 people knew about. We had one of the earliest ones. And
7 we kept that going for a plot along with our own manual plot
8 with a stop watch.

9 Q And you had determined that the target was a
10 submarine?

11 A Beyond any question.

12 Q Did you scan the area for any other under water
13 ships?

14 A We had been conducting a routine search. Once
15 we picked up on this target we concentrated on that, of
16 course.

17 Q After making the determination that it was,
18 indeed, a submarine, what did you then do?

19 A Well, we took some time -- it has been so many
20 years I can't remember how long -- but we took some time to
21 evaluate it.

22 During that time we would know that a submarine
23 would hear our pinging inside its hull.

24 If he were friendly, he would have made
25 recognition signals.

26 We received no recognition signals; so we
27 proceeded to attack.

28 Q What type of recognition signals would a friendly

1 submarine have made?

2 A In those days he would have fired a small rocket
3 which gave one or more colored lights and ended up as a smoke
4 signal of a distinctive color.

5 Q And you didn't receive any type of --

6 A We received none, no, sir.

7 Q What did you then do?

8 A We commenced our first attack.

9 Q Was there any kind of an alarm sounded, or was
10 the ship at that point already in readiness?

11 A Where we were, it was routine to go into what
12 was at night time an assembly, an alert, known as
13 Condition 2.

14 We sounded the general alarm for general
15 quarters.

16 The attack, of course, could be started even in
17 Condition 3 because everybody we needed was there.

18 But with the general quarters, we obtained water
19 tight integrity; alerted the engine room to maneuver and,
20 of course, manned the guns.

21 Q And you said you commenced an attack; what did
22 you do to commence the attack?

23 A We made a pass on them and dropped depth charges.

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39 1 Q And do you recall how many depth charges?

2 A No, we were rationed because we only had
3 something like 12 or 14 onboard. I think in our first
4 attack, if I remember right, we rolled three or four
5 and we fired the K guns, but I think if I remember right
6 one of them didn't go off. After that we made a series
7 of attacks over several days. Eventually our ammunition
8 was replenished, but it took a lot of doing to get it
9 replenished.

10 Q When you commenced the first run or attack
11 on the submarine, were you out there alone?

12 A Yes, sir. Naturally we alerted the shore
13 side people by radio that we were commencing an attack.

14 Q And do you recall the approximate location
15 of your vessel at the point you commenced the attack?

16 A We were off the Oregon coast. I think it
17 is called, if I remember right, Cape Mears. It was between
18 there and a head called Tillamook. There is a beach
19 in the area known as, I think it is Silver Sand Beach,
20 something similar to that, and there is another landmark,
21 Haystack Rock. We were somewhere off that. Our battle
22 report would show the position, of course.

23 Q Approximately how far off the coast did this
24 incident take place?

25 A I would have to refer to the battle report
26 because we made so many runs over those days. We were,
27 I would think, perhaps 10 or 12 miles, but that is purely
28 my recollection.

1 Q 10 to 12?

2 A 10 to 12 miles, I would say, somewhere around
3 there.

4 MR. PETERSON: Your Honor, could we have exhibit
5 60?

6 Q Captain Moulton, I am handing you exhibit 60.
7 Do you know what that document is?

8 A I do, sir.

9 Q And what is it?

10 A That was our battle report eventually submitted
11 after the action was over.

12 Q And when it was over, do you recall actually
13 seeing that document before it was submitted?

14 A I helped write it. It was written primarily
15 by Ron Hubbard, but naturally I contributed to it also
16 as did the other officers.

17 Q And by referring to that document, can you
18 give us a more exact location of where the incident took
19 place?

20 A I believe so, sir. I see on the first page
21 it says "just inside the steamer track," but there is
22 nothing more than that. I imagine it is further on.

23 Q But to your recollection it was about 10
24 to 12 miles off --

25 A I would think so. We were approximately
26 on a hundred thousand curve because it was customary
27 to steam that going up and down the coast.

28 Q You made a couple of runs dropping depth
charges on the target?

1 A We made several runs that night. This happened
2 that night, and over the course of the next three days
3 or so, two and a half days, we made a great many runs.

4 Q What was the condition of the seas during
5 the two and a half days of the attack?

6 A Sometimes it was not bad. At times it got
7 quite rough, and it was difficult to transfer ammunition
8 to us. I remember we had difficulty, but then it smoothed
9 back down again. That is when we finally did get some
10 ammunition brought to us.

11 Q In the two and a half days during the first
12 group of attacks on the target, were you all alone?

13 A We had for the first day, perhaps into the
14 second day, we were alone. The first night we were alone.
15 Eventually they were one, two, I believe two blimps came
16 out, and then we had an old Coast Guard cutter, and we
17 had, I think, two SC's eventually assigned to us.

18 Q And what is an SC designation?

19 A That is the sub chaser, the smaller class,
20 the same as I had had before.

21 Q And did they also join in the attack?

22 A One did, was considerable help. The other
23 one as very reluctant to do much of anything. He was
24 there, but not voting, so to speak.

25 Q And what part did the two blimps take part
26 in this attack?

27 A They had a different type of anti-submarine
28 detection gear, magnetic type of gear, and they confirmed

1 all of our -- whenever we had a contact or we gained
2 contact, we would give them the position. They would then pick
3 it up on their gear and verify it or if they picked it
4 up before we did, they would call us onto the barium
5 range because after depth charge attacks, you lose contact
6 and then you have to pick them up again, so we worked
7 as a team together.

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1 And at least at one point -- I can't remember --
2 at least twice they dropped depth charges on the target.
3 They verified along with the depth charges we dropped.

4 Q So the blimps were also equiped with depth
5 charges?

6 A They had depth charges set for shallow surface.
7 They didn't have the large deep water ones that we
8 carried.

9 Q How were you in communication with the blimps?

10 A We had regular radio gear, ship to ship and
11 ship to air.

12 They had similar equipment, except very weak.
13 I think it was only five or ten watts.

14 For that reason, the shore stations could hear
15 us, but they could not hear the blimps.

16 Q Could you personally hear any of the radio
17 transmissions between the PC 815 and the blimps?

18 A Yes. Because a great many of them I made myself
19 as communications officer.

20 Throughout the action I was in charge of all
21 communications.

22 Q And at any time in the communications that you
23 had with the blimps did they confirm to you that the target
24 was, indeed, a submarine?

25 A In their opinion it was. They felt so.

26 Q And how would they form an opinion that it was
27 a submarine? Was it visual, or do they have certain type
28 of equipment?

1 A I think -- I frankly don't know. I have never
2 been aboard that type of blimp.

3 How they evaluated, I have no idea; however,
4 at one point when the submarine tried to surface on us we
5 all saw its periscope and what appeared to be perhaps the
6 upper rim of its conning tower.

7 And the blimps also reported up its periscope
8 to us.

9 They also reported it on another occasion further
10 away when we had lost contact. They said they saw the
11 periscope then. That one, we did not. We were a little too
12 far away, I think.

13 So they saw it, I believe, twice. We had it only
14 once.

15 Q And they made a radio transmission of this
16 location?

17 A They called us over and I imagine they dropped
18 a smoke float. That is what they had been doing; each time
19 they had a contact they had marked it for us.

20 Q They you would proceed to the smoke float and
21 start dropping depth charges?

22 A We would start ranging in that direction with
23 our sonar and close on it until we picked it up.

24 Q You mentioned that you had made these attacks
25 over a two-and-a-half day period; after that what did you
26 then do?

27 A I think the total time we were in action was
28 something like 60 hours.

1 We then returned to Astoria to the section base.

2 Q After you would make an attack on the target did
3 you stop and try to make a visual observation to see if you
4 had been successful in striking, or --

5 Q We were usually trying to recover contact with
6 the sub.

7 Naturally, we were looking for debris or anything
8 else that would help us.

9 We had a great many lookouts posted at general
10 quarters; everybody was looking in certain assigned
11 sectors.

12 Q What would a person on lookout be looking for
13 to be able to ascertain whether or not a depth charge had
14 either struck or in some way crippled a submarine?

15 A Well, if you had blown a big hole in him, you
16 would naturally find, or hopefully find wreckage bodies, or
17 other equipment floating on the surface.

18 If you had damaged him outside, such as
19 perforating a fuel tank, you would see quantities of oil
20 coming to the surface.

21 If you damaged the screws or other equipment,
22 you would hear this on the sonar by a different pitch and
23 sound in the gear.

24 Q And this 60-hour attack on the submarine, did
25 you ever at any time make a sighting or a discovery of any other
26 target in the area?

27 A Yes. Yes. Oh, I believe it was toward the close
28 of the second day when we made -- we had lost contact with

1 our submarine. And after one of the attacks when the water
2 had been roared up, we were searching around to pick him up
3 and we picked up a second contact which was not where it
4 should have been at all if it had been ours.

5 We swung our sound gear back and forth and
6 determined that we now had two targets.

7 We went through the same procedure and identified
8 the second one as a submarine also.

9 Q And during the period of the 60-hour attack and
10 battle with the submarines, did you ever note any bodies or
11 debris floating on the surface?

12 A We found no bodies or solid wreckage.

13 On several occasions we had large quantities of
14 oil surface which was noted both by us and by the blimps.

15 There was also a semi-solid yellowish sort of
16 glutinous material. We never did identify what that was.
17 We were too busy to stop and pick it up for samples.

18 It spread over quite an area, but we never knew
19 what it was.

20 Q Did you ever form an opinion on what you believed
21 it to be?

22 A No, sir.

23 But the oil, we knew was oil, of course.

24 Q Did you at any time during the 60-hour battle
25 make a determination that there was any change in the sound
26 of the screws on the target?

27 A Well, of course, they were speeding up, slowing
28 down, and stopping and maneuvering. But eventually we felt

1 certain that we had damaged both of them. We were quite
2 certain that we had completely wrecked the one who tried to
3 surface on us. He never moved from that position after that
4 for another day or so.

5 The second one --

6 Q By not moving from a position for a day or so,
7 what did that indicate?

8 A We could pick him up with our sound gear. But
9 he never changed position.

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41-1
1 Q What did that indicate to you?

2 A We figured that he was long since past temporary
3 damage. He had been down so long I think he would have been
4 out of air. He'd be unable to maneuver because early in
5 that period, he had echo ranged on us. We heard the echo
6 ranging clearly from his gear, and we were at that time fully
7 expecting to have a torpedo sent at us, but the torpedo never
8 came and we felt because of the angle that he was apparently
9 at on the bottom, that he could not bring his stern or bow
10 to bear on us to fire a torpedo.

11 Q And the other target, did you make a determination
12 as to the ultimate fate of that target?

13 A In our opinion, the one sub was a definite sinking.
14 We were fully decided on that.

15 The second one we felt was either sunk or damaged
16 so badly that he could not get away.

17 Q And at that point did you terminate the attack?

18 A No, we stayed around. I have forgotten how long.
19 It would be in this report. We and the other ships patrolled
20 the area for quite some time and set up picket lines and
21 so forth to listen for any movement. We never heard any.

22 Q And did you yourself file a report as part of
23 that exhibit 60?

24 A Exhibit 60? That is this?

25 Q Yes.

26 A Yes. I wrote nothing as elaborate as this.
27 I merely wrote a short report.

28 Q Could you locate that report in exhibit 60?

41-2

1 A If it is here.

2 Q I think it is just after the report of Captain
3 Hubbard.

4 A Yes, here is my report.

5 Q And would you look down in about the second
6 paragraph, I believe, of that report. Actually it is in
7 the paragraph 3, subsection 1. You indicate that the attack
8 took place in April?

9 A No. That is an error on my part when I wrote
10 it. That, of course, was May.

11 Q Why do you think that you wrote April instead
12 of May?

13 A Well, I notice the report is dated May 25. This
14 attack was over on the 21st. It was at least another day
15 before we got into port. We were sent up to Seattle to report
16 to Admiral Fletcher, and in all of this time we had had very,
17 very little sleep. I was so tired I probably wrote half
18 of this in my sleep. I have a habit of missing months and
19 dates. That is why I keep a watch with a calendar on it
20 because I never can remember dates.

21 That is not a typographical. It is merely my
22 fault in writing it.

23 Q In the action report I noticed there was an
24 incident where I believe the 20 millimeter gunners had taken
25 some shots that weren't directed toward the target but maybe
26 directed in another direction; do you recall such an incident?

27 A I do. It damn near got me.
28

41-3

1 Q And could you describe briefly what that incident
2 was?

3 A How it came about or why it was aimed where it
4 was?

5 Q Both.

6 A Well, those 20 millimeters had a real flukey
7 part known as a parallelogram. Was about yay big and it
8 looked as though it could be put into the mechanism either
9 way. In fact, it could be, but when it went in one way,
10 you lost complete control of the trigger mechanism. This
11 was a common fault that was later remedied in 20 millimeter
12 guns, but in the early ones, that was common. And after
13 a firing which we had done a day or so before, the guns
14 naturally had been overhauled by very tired personnel and
15 in the dark. We were showing no lights, and apparently this
16 parallelogram, as we found it, had been put in backwards
17 and for some reason the gun went off.

18 Q Could you have been firing at the periscope or
19 the conning tower?

20 A Not at that particular firing. This one when
21 the parallelogram was in, it was subject to going off at
22 any time, and if it did go off, there was no way to stop
23 it unless you could run off and get it and rip off the magazine.
24 Otherwise it would go until the magazine was exhausted.

25 Q And about how many rounds was in that magazine?

26 A Oh, I have forgotten, about 100 to 150. The
27 magazine was about yay big, but there were a lot of them,
28 seemed like 10 million to me.

41-4
1 Q When this particular 20 millimeter gun went off,
2 where were you at the time?

3 A I was up about two-thirds of the way up the mast.

4 Q About how tall was that mast?

5 A I don't know, probably 65 feet, 70 feet. I was
6 up there for better visibility. And to continue, these 20
7 millimeter guns had done so much damage to the ships they
8 were on early in the war because they were a very hard gun
9 to control. If you were in the harness wearing them and
10 you happened to slip, there was no way you could get back
11 on your feet again because the thing was making so much
12 vibration and they frequently kept going.

13 To accomplish some sort of control on the PC 815,
14 she had one of the primitive methods that they put on to
15 stop this. They had two cans, one that controlled the
16 elevation and the other one controlled the horizontal train,
17 and theoretically these could be set so that there was no
18 part of the ship that you could hit directly with your fire.
19 That was set by approximation in the yard, but until after
20 you had made your trials, done your test firing, you were
21 never sure of the setting and the thing never worked very
22 well anyhow.

23 Later on they built what was called a birdcage
24 or mousetrap built out of pipe with all sorts of weird curving.

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1 So that no matter where the gun barrel was, it
2 couldn't be depressed or swung where it would hit the ship.
3 We didn't have that.

4 I was at the mast and the gun went off and went
5 the full round in the magazine. And I was much thinner then,
6 fortunately.

7 People who saw it say it missed me by about that
8 far.

9 Q Indicating about ten inches to a foot?

10 A I would say about that.

11 I was making love to the mast and was almost out
12 to the other side.

13 Looking down the barrel, it looked like it was
14 coming right toward me.

15 In the course of this, it did some small damage
16 to the ship. The cams had never been given their final
17 setting. And I think, if I remember right -- it is a long
18 time ago -- I know we shot the antenna down.

19 But I think it hit the insullator at the end,
20 something of that sort.

21 But outside of that, there was no damage from
22 it.

23 Q Later on they corrected that problem on the
24 ship?

25 A I believe. If I remember right, she had the bird
26 cage thing put on her when she got down to San Diego.

27 Q And in reviewing the action report and
28 accompanying documents, I noted that one of the admirals in

1 the area had cast some doubt upon the fact that you had
2 engaged in battle with an enemy submarine; do you recall the
3 admiral making that assertion?

4 A I remember our meeting with Admiral Fletcher,
5 who was quite disparaging at the time we had the meeting,
6 perhaps understandably so.

7 Q Now, did he give you any factual reason why he
8 believed that there were no enemy submarines involved in that
9 attack?

10 A The only thing that I know was that at the point
11 where we had been screaming for ammunition for several days
12 without results from shore side people, as communications
13 officer and with Ron's permission, I originated a message
14 to the commander and chief of the Pacific Fleet in Pearl
15 Harbor. It was a very -- well, I wouldn't write it today.
16 I was younger then.

17 But it was quite a nasty message asking why in
18 thunder we couldn't get any help out there and get some
19 ammunition. I coated this and sent it with a carbon copy
20 so it would be equivalent to full copies to everybody on the
21 coast, I guess.

22 I did see the message that came back immediately
23 from the commander in chief of the Pacific Fleet, Admiral
24 King, with a carbon copy to me asking Admiral Fletcher what
25 was going on out there and why he had not been told of an
26 action taking place.

27 I saw the carbon copy that went back from
28 Admiral Fletcher to him where he said there was no

1 submarine.

2 I think he said "there were no submarines, repeat,
3 no submarines in the area."

4 This was quite a strong statement.

5 But in view of the political climate on the West
6 Coast at that time, I could see why he might have said that.
7 And having said that he would not deviate from it.

8 Q Are there any other indications in that Action
9 Report other than your report and Captain Hubbard's report
10 that indicate that, indeed, the targets that were discovered
11 were submarines?

12 A Well, there were statements taken from all the
13 crew. I see they are here.

14 I am sure some of the crew had mentioned that
15 because some of them, I know, sighted the periscope.

16 The sonar men who, in each case, two or three
17 of them, were very definite in that they had the submarine
18 on their sonar. And we did have, as I said, communications
19 from the blimps.

20 Q Is there any other record that is kept as part
21 of the action report, any testing or any read outs on
22 equipment that also would indicate that the targets were
23 submarines?

24 A Yes. Our attack recorder -- our attack director
25 made a recording, an electronic recording which anyone
26 competent in reading that could use to determine what type
27 of target it was. Because it would give the type of echo,
28 its strength, general characteristics, and you could plot

1 courses and distances from it.

2 It would also contain a record of an attack.

3 Our recordings were all turned over to Admiral
4 Fletcher at that conference. We did not get them back.

5 He called a man in on his staff to interpret
6 them. The man was not a ASW man. He was, I believe, a
7 three-striper or four-striper, but he was in Naval Aviation.
8 And they were using a recorder, perhaps similar to this
9 one.

10 I never saw it, but he said he was not real
11 competent to evaluate this.

12 There were no submarine people there or any
13 submarine people there at the time who could.

14 So there was no one there who could look at that
15 and say definitely it was a submarine.

16 I do know that these reports were later analyzed
17 in, I believe, San Diego or, perhaps, San Francisco by
18 another, I believe, Admiral Braisted, something like that.
19 And he entered his comments concerning some, I think,
20 19 runs.

21 He mentioned that some of these runs were
22 mushy; the echos were mushy and could have been due to fish
23 or knuckles in the water, bubbles, but that two may have been
24 submarines.

25 Well, that was sort of like saying a girl is a
26 little bit pregnant. If the two may have been submarines,
27 it is more than likely that the other 16 or 17 may have been
28 submarines.

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THE COURT: We'll take a 15-minute recess.

(Recess.)

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43/1

1 THE COURT: All right. We are back in session.
2 The witness has taken the stand. Please state your name
3 again for the record, sir. You are still under oath.

4 THE WITNESS: Thomas Moulton.

5 THE COURT: You may continue, Mr. Peterson.

6 MR. PETERSON: Thank you.

7 Q Now, you had mentioned earlier that there was
8 some aspect of the political climate which I believe
9 influenced Admiral Fletcher's conclusion; what was that?

10 A Well, I am sure that without that it would have
11 been -- at about that time either just before this
12 action or just after, I think it was just after, you had
13 the shelling of a refinery here somewhere in the Los Angeles
14 area, I believe just up the coast.

15 It was written up in Reader's Digest a couple
16 of months ago, three months ago.

17 At that time it caused quite a local panic,
18 so I am told, and the press so indicated, and everybody on
19 the West Coast apparently started a bunch of rumors, became
20 quite upset about it.

21 I know that the commanders of the various
22 areas received a lot of inquiries from shoreside people.
23 It wasn't a panic, but it was getting into that stage.

24 It got so bad that I remember in Oregon that
25 the papers there, there were several articles. I saw one
26 of them asking people to keep quiet, not start rumors and so
27 forth, and I am quite sure that this was well known to all
28 the commanders up and down the coast, and it was to their

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advantage, at least publicly, not to admit that there were
some marines in the area and, of course, once Admiral Fletcher
had sent this message to Admiral King, knowing how the Navy
works, I am sure he wouldn't back down from it.

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1 Q And later on in the summer did you again receive
2 any indication that in fact the submarine or the two
3 submarines had been sunk in the area?

4 A It wasn't that summer. It was some time after
5 that.

6 I was traveling up the Columbia River on a
7 merchant ship and was talking with the pilot who came from
8 somewhere in that area, I believe, in that Sand Beach or
9 Silver Sand Beach. And I happened to discuss this action
10 with him.

11 He had been living there at the time --

12 MR. FLYNN: I'll object to this.

13 THE COURT: I'll sustain the objection.

14 Q BY MR. PETERSON: During the incident with the
15 attack on the submarines, in your opinion, how did
16 Captain Hubbard react?

17 A Well, he ran a very competent, extremely
18 competent attack throughout the thing. He did a very fine
19 job.

20 Q And after the incident with the submarines in
21 May of 1943 did the PC 815 continue on its voyage?

22 A We went back to Astoria for replenishment of
23 ammunition. And at that time there was a new carrier, the
24 first of the Kaiser carriers that came down from the Seattle
25 area. And we went up to meet her and we picked her up in
26 Port Angeles.

27 We were detailed to escort her because she was
28 very valuable, as the first one and it was felt at the time

1 that there might be grave damage from submarines and from
2 mining in the area.

3 We escorted her to San Francisco where she took
4 on stores and then escorted her from there to San Diego.

5 Q And at some point did you then leave the PC 815?

6 A Yes; sometime after we completed that escort,
7 I would think within a week or two -- I don't remember
8 exactly.

9 Q And then from the PC 815 where did you then go?

10 A I was sent to the Amphibious Center in Virginia
11 and took command -- well, I went through the training program
12 and took command of my first LST there.

13 Q And did you see action at the battle of Saipan?

14 A Yes. That was the last one.

15 Q What happened there briefly?

16 A Well, we were stranded on the -- I had been the
17 first ship to land there in the action on D-Day. And we were
18 stranded on the reef for about 10 days.

19 During that time the Japanese used to run dawn
20 and dusk attacks on us.

21 We were badly strafed and bombed and one thing
22 and another and quite badly damaged. I lost a substantial
23 part of my crew there.

24 MR. PETERSON: Nothing further from the witness, Your
25 Honor.

26 THE COURT: You may cross-examine.

27 MR. FLYNN: Thank you, Your Honor.

28

CROSS-EXAMINATION

1
2 BY MR. FLYNN:

3 Q Sir, you have a rather remarkable memory after
4 all of these years. I take it before your testimony today
5 you refreshed your memory with regard to the Action Report
6 which you have in front of you there?

7 A I had a chance to skim through it; that is all,
8 sir.

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1 Q Did you skim through any other documents such
2 as the conference report of Admiral Fletcher?

3 A If that was his letter of transmittal from this,
4 I saw it, yes.

5 Q You did see the letter of transmittal from
6 Admiral Fletcher?

7 A Yes, I did, sir.

8 Q Is that attached to the exhibit in front of
9 you?

10 A I think that is where I saw it. It doesn't
11 seem to be in here.

12 Q Now that is the letter that summarizes the
13 results of the conference that Admiral Fletcher held with
14 regard to this action?

15 A Yes that is the one I am looking for, but I
16 so far haven't come across it.

17 Q And that is where Admiral Fletcher stated
18 that the action, in fact, never took place?

19 A Something to that effect, yes, sir.

20 Q And you can't find it in that exhibit?

21 A I am still looking, but I am also listening
22 to you at the same time.

23 Q Now, the conference report in the transmittal
24 of Admiral Fletcher would have been classified information
25 and Secret at that period of time; is that correct?

26 A This entire record and everything pertaining
27 to it was classified Secret at that time. It since, I see here,
28 has been declassified.

45/2

1 Q So, Admiral Fletcher's notation that no such
2 action ever took place would have been secret at that period
3 of time; is that correct?

4 A Yes, it would have been. I think it said
5 something in there instructing that it be forwarded only by
6 registered letter if I remember right.

7 Q So if the political climate at the time in
8 1943 was one of fear on the West Coast, it would have been
9 more helpful to that climate to disclose Admiral Fletcher's
10 conclusions that there were no submarines; is that correct?

11 A I am not sure I follow you. It would have
12 been very helpful for him to insist that he had none, yes.

13 Q But it would have been helpful to disclose
14 his findings to the public that there had been no submarines?

15 A No, I don't think so, because I believe the
16 entire action was secret at that time.

17 Q So, the public didn't know about it one way or
18 the other?

19 A Other than people who lived along the shore
20 and saw and heard the things.

21 Q When did you last see Admiral Fletcher's
22 report?

23 A I saw it this morning. I glanced at it. That
24 is why I am trying to find it because I would recognize it
25 if I saw it. I had not seen it before I came out her.

26 As I recall, it was dated June 23rd, and that
27 was after I left the PC. I don't find it here, but I am sure
28 it is in here.

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1 Q Who first contacted you, sir, with regard to
2 your appearance as a witness?

3 A Who first contacted me?

4 A Mr. -- I think it is -- Wittle, Tom Wittle.

5 Q And approximately how long ago was that?

6 A Last week or early, I think -- no, last week.

7 I am sorry.

8 Q Had you had any prior contact with any
9 representatives of the Church of Scientology at any time in
10 the last three or four years?

11 A No, sir, not in over 15 years.

12 Q And they found you in Maine?

13 A Yes.

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1 Q Now, did you know L. Ron Hubbard as a good story-
2 teller?

3 A As a good storyteller?

4 Q A person who told stories.

5 A What sort of stories?

6 Q Well, did you know him to have any reputation
7 at the time you knew him during World War II as a good
8 storyteller?

9 A Do you mean jokes and things of that sort?

10 Q No; stories about incidents that had taken place
11 in his lifetime.

12 A No. He was very reticent, as a matter of fact.

13 Q Did you consider him to be a very honest person?

14 A Indeed.

15 Q And he told you that he had injured his eyes from
16 a flash burn when a gun unexpectedly went off; is that
17 correct?

18 A Yes.

19 Q Did he tell you when that took place?

20 A It would have been sometime before Pearl Harbor.
21 I don't know. I seem to remember he told me it was -- it
22 was on a destroyer, but I wouldn't swear to it after all of
23 this time.

24 Q But you are clear that he injured his eyes from
25 the flash burn of a gun?

26 A I am clear that he said he did, yes.

27 Q When you were serving with Mr. Hubbard did you
28 ever see his medical records with regard to his eye condition

1 in 1942 and 1943?

2 A No, sir.

3 I would not have seen him after I left the ship.
4 I have never seen him since then.

5 MR. LITT: Your Honor, I --

6 Q BY MR. FLYNN: I'm talking about the period now
7 when you were with him.

8 A When I was with him, I don't remember him going
9 to a doctor at all.

10 MR. PETERSON: I object to Mr. Flynn showing the
11 witness something. I have no idea what he is showing the
12 witness.

13 THE COURT: Just show counsel what it is before you
14 show it to the witness.

15 MR. LITT: Your Honor, the document that is being shown
16 to the witness appears to be a Veterans Administration
17 document from 1947.

18 MR. FLYNN: Your Honor, I would like to ask you that
19 in February 1942, did you ever see a document that was
20 titled "Sunlight"?

21 MR. PETERSON: Your Honor, let's hear the question.

22 He is showing the witness the document and
23 pointing to things for the witness to look at before he has
24 even asked his question. I think it is irregular. Why
25 doesn't he ask the question rather than putting medical
26 records in front of the witness who isn't a trained doctor?

27 THE COURT: I don't see any big question. He has asked
28 him the question.

1 I'll overrule the objection.

2 You can answer whether he ever told you that.

3 THE WITNESS: He did not, no.

4 This was a hospitalization in February of '42
5 which was before I knew him. He did not -- it does not say
6 in here that that was the original injury. This could have
7 been an aggravation of an old one.

8 It says ". . . excessive tropical sunlight,"
9 but it doesn't say this was the cause of his original
10 trouble.

11 Q BY MR. FLYNN: Does it say anything about a
12 flash burn from a gun?

13 A No, sir.

14 Q And with regard to his actual chronological
15 medical history, in May, 1942 this officer states, "While
16 acting as intelligence officer for the Asiatic Fleet he
17 exposed his eyes to strong sunlight and has had to wear
18 tainted glasses ever since."

19 Did he ever tell you that?

20 A No, sir, he did not.

21 MR. PETERSON: I am not sure I understand what "tainted
22 glasses" are.

23 THE COURT: For the record, it is what it is. I
24 assume --

25 Q BY MR. FLYNN: He told you that --

26 THE COURT: He probably means "tinted."

27 Go ahead.

28 Q BY MR. FLYNN: He told you that he was injured

1 by a Japanese machine gun?

2 A Yes, sir.

3 Q When was that, sir, that he told you that?

4 THE COURT: When did he tell him, or when did he tell
5 him he was injured?

6 Q BY MR. FLYNN: First, when did Captain Hubbard
7 tell you that he was injured by a Japanese machine gun?

8 A This was while we were in Miami which would have
9 been in the fall of '42. It was the fall of 1942.

10 Q Is that --

11 A While we were in Miami.

12 Q Did he describe the circumstances under which
13 he was injured by the Japanese machine gun?

14 A Yes, in some detail; not entirely.

15 Q What did he tell you?

16 A That he had been in Soerabaja at the time the
17 Japanese came in or in the area of Soerabaja and that he
18 spent some time in the hills in back of Soerabaja after
19 the Japanese had occupied it.

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1 Q Now, Soerabaja was where, sir?

2 A That is a port on the north part of Java in
3 the Dutch East Indies.

4 Q So you understood from Captain Hubbard that
5 he had been in Java fighting the Japanese and was hit by
6 machine gun fire?

7 A Not quite as you put it. He had been landed,
8 so he told me in Java from a destroyer named the Edsel and
9 had made his way across the land to Soerabaja, and that is
10 when the place was occupied. When the Japanese came in,
11 he took off into the hills and lived up in the jungle for
12 some time until he made an escape from there.

13 THE COURT: Sounds like the South Pacific, the
14 "Tales from the South Pacific" by Michener.

15 THE WITNESS: I know of it. I haven't read it.

16 THE COURT: Anyway, go ahead.

17 Q BY MR. FLYNN: When did he tell that this
18 took place, Captain Moulton?

19 A He was there apparently on the 8th of December
20 which corresponded to December 7th, the other side of the
21 dateline.

22 Q December 8th --

23 A At that period when the Japanese occupied all
24 of the Dutch East Indies.

25 Q That would have been in 1941 or '42?

26 A '41.

27 Q So this would have been --

28 A Did I say '42? I should have said '41.

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1 THE COURT: Was that Pearl Harbor?

2 THE WITNESS: That was at the time of Pearl Harbor.
3 Pearl Harbor was the 7th on one side and the 8th on the
4 other side.

5 The Japanese came in -- I was not in that
6 area at the time so I don't know the exact time that they
7 occupied Soerabaja, but it was within a day or two after
8 that.

9 Q BY MR. FLYNN: So he told you he was in the
10 South Pacific in Soerabaja when the Japanese bombed Pearl
11 Harbor?

12 A That is correct. He had been landed by the
13 Edsel and she was sunk shortly after that. He was, as far
14 as I know, the only person that ever got off the Edsel
15 because he wasn't aboard when it happened. She was sunk
16 within a few days after that.

17 Q And Captain Hubbard told you all this?

18 A Yes, sir, but I also know that she was sunk.
19 She is carried in the records as having been sunk with all
20 hands.

21 Q And all hands were lost except Captain Hubbard?

22 A He was ashore at the time.

23 Q And that is when he was hit by the machine gun
24 fire?

25 A Some time during his chasing up and around
26 through the jungle before he made his escape.

27 Q Now, when you were working with Captain Hubbard,
28 did you ever look at any of his records with regard to his

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1 military history prior to the time that you met him?

2 A No, sir, I would have no access to them.

3 Q So you believed Captain Hubbard at the time?

4 A Certainly. I had no reason not to.

5 Q Did he tell you exactly where he was hit by
6 the machine gun fire?

7 A In the back, in the area of the kidneys,
8 I believe on the right side.

9 Q And did he tell you what caliber machine gun
10 it was?

11 A No, sir, he did not.

12 Q And it damaged his urinary system?

13 A Somewhere in the urinary system. I know he had
14 a great bit of difficulty in urinating.

15 Q And did he tell you how long he remained
16 hiding in the hills with these machine gun wounds before he
17 was removed from the combat area?

18 A I know that he told me he had made his escape
19 eventually to Australia. I don't know just when it was.
20 He apparently, he and another chap, sailed a life raft, I
21 believe, to near Australia where they were picked up by a
22 British or Australian destroyer.

23 Q And that would have been late 1941, early 1942?

24 A I would imagine it would have to have been
25 early '42 because it would take some time from December 7.

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1 Q Now, Captain Hubbard gave you all of these
2 details that you are giving the court today; is that
3 correct?

4 A Well, I have no other knowledge except what he
5 told me.

6 Q And did he tell you how far he sailed the raft?

7 A He told me he was picked up -- again, I'm
8 trusting my memory -- but it was on the order of 75 miles
9 off Australia.

10 I know it was under 100, but it was somewhere
11 around 75 because it was a remarkable piece of navigation.

12 Q And had he received any treatment for his wounds
13 during this period of time?

14 A This, I do not know.

15 He said that he was very ill in the jungle with
16 the injuries. That is all I know.

17 Q With machine gun bullets in his back?

18 A I don't know if the bullets were in there or had
19 passed through or what. I never saw the scars.

20 Q Now, did he tell you whether he was an
21 intelligence officer at that time or what type of duty post
22 he had?

23 A No. He mentioned he had been on the Edsel. And
24 that was all, and that he had previously served in other
25 vessels.

26 Q You believed this entire story; is that correct?

27 A I had no reason to disbelieve it, sir.

28 Q Now, let me show you exhibit 500-II and ask you

1 if you are familiar with this type of Naval document called
2 "Report of Compliance With Orders."

3 A This is a standard form, yes, sir.

4 Q You are familiar with those forms; is that
5 correct?

6 A Yes, sir.

7 Q Now, that relates to the Lieutenant J.G. Lafayette
8 Hubbard; is that correct?

9 A That is correct.

10 Q And it shows that he was ordered to Australia
11 on November 24, 1941; right, and that he left on December 8,
12 1941 from the United States?

13 A Let me see.

14 Received the orders on the 24th and he was
15 dispatched on December 8th; however --

16 Q He arrived in Brisbane, Australia when, Captain
17 Moulton?

18 A It says January 16; however, this could be
19 meaningless. It is not to be relied on.

20 If something you said just now is true, said he
21 was an intelligence officer, I believe, if that is so, this
22 would be meaningless.

23 Q That could be false?

24 A Not false, but an intelligence officer, as far
25 as I know, has all sorts of spurious letters stating where
26 he is sent to, when he got there.

27 I did not know he was an intelligence officer.
28 But if he was, this would be meaningless.

1 Q Now, what about this document, Captain Moulton;
2 do you recognize what that is?

3 MR. PETERSON: Can we have --

4 MR. FLYNN: 500-JJ marked, "Confidential" at the
5 bottom.

6 A Yes.

7 Q Do you recognize what that is?

8 A This is a Navy communication stating that there
9 is nothing available for him there and that he is ordered
10 to return to Com 12. I think that was the West Coast.

11 Q It says, "Lieutenant J.G. ordered returned via
12 Chaumont; report to Com 12; unsatisfactory for any available
13 assignment."

14 A That would be routine wording, yes.

15 Q What is the date of that, Captain Moulton?

16 A This is dated -- let me see -- 16 February, '42.

17 Q That would be roughly a month after he was shot
18 in the back with a Japanese machine gun?

19 A Well, it would be anywhere from six to eight weeks
20 on up, yes. If we assume that happened in early December.

21 Q Let me show you this document from the United
22 States Naval Attache, Melbourne, Australia, dated February 14,
23 1942, exhibit 500-KK.

24 A Uh-huh.

25 Q Now, do you see the part that -- let me read
26 part of it to you.

27 "The subject officer arrived in
28 Brisbane via SS President Polk. He reported

1 to me that he was ordered to Manila for duty
2 and asked for permission to leave the SS
3 President Polk until a vessel offering a more
4 direct route to his destination was available.
5 I authorized him to remain in Brisbane for
6 future transportation to his destination. My
7 assuming unauthorized authority and attempting
8 to perform duties for which he has no
9 qualifications, he became the source of much
10 trouble."

11 Do you see that?

12 A Yes.

13 Q "On February 11, 1942 I sent him dispatch
14 orders to report to the commanding officer USS
15 Chaumont" -- that's C-h-a-u-m-o-n-t -- "for
16 passage to the United States. And upon arrival
17 report to the commandant 12th Naval District
18 for future assignment. This officer is not
19 satisfactory for independent duty assignment.
20 He is garrulous and tries to give impressions
21 of his importance. He also seems to think
22 that he has unusual ability in most lines.
23 These characteristics indicate that he will
24 require close supervision for satisfactor
25 performance of any intelligence duty."

26 Did you see that?

27 A Does it say when -- will you give me just a moment
28 to read this?

1 Q Sure.

2 A This is dated, as I see, February 14. It says
3 he arrived in Brisbane on the President Polk, but it doesn't
4 say where he came from.

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1 Q Well, doesn't the other report of compliance
2 with roders indicate that he came from the United States,
3 Captain Moulton?

4 A Not necessarily. It doesn't mention the
5 Polk.

6 Q Do you know whether the President Polk was
7 a life raft?

8 A No, but I don't know where she came from.
9 It merely says he was on her on arrival in Brisbane.
10 If she was on that run, she probably made a lot of ports
11 in Australia. He may have ridden coastwise on her. I can't
12 tell from this. I was not there.

13 Q I take it that you like L. Ron Hubbard.

14 A I served with him. I liked him very well at
15 the time I served with him. It is a great many years ago.

16 Q And rather than believe those documents, you'd
17 believe what Mr. Hubbard said?

18 A I never believe or disbelieve them. I merely
19 pointed out that they do not state that he came on to Brisbane
20 from the States.

21 Q Does it say anything about being wounded by
22 Japanese machine gun fire?

23 A No, sir.

24 Q It states that he is garrulous and unsatisfactory
25 for any assignment.

26 MR. LITT: Objection; the document speaks for itself.
27 It is argumentative.

28 THE COURT: I will sustain the objection.

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1 Q BY MR. FLYNN: Now, I take it when you were
2 serving with him on the PC 815, you believed the machine gun
3 story?

4 MR. LITT: Objection; asked and answered.

5 THE WITNESS: You mean of his being wounded?

6 MR. LITT: This is the third time.

7 THE COURT: Yes, it has already been indicated.

8 Q BY MR. FLYNN: Now, you went from an anti-
9 submarine warfare vessel to an amphibious vessel, an LST?

10 A Yes, sir.

11 Q So after the incident involving you and
12 L. Ron Hubbard on the PC 815 in May 1943, you never saw
13 anymore duty in connection with anti-submarine warfare
14 vessels; is that correct?

15 A Let me see. No, I did not, sir.

16 Q You were transferred out of that duty right
17 after that incident?

18 A No it was, oh, I would say two or three weeks
19 later. I had a request transfer for some time. I had
20 taken it, as I told you, temporarily as a relief executive
21 officer.

22 Q Now, so, I take it from the time where you
23 dropped all these depth charges with the PC 815 and
24 Mr. Hubbard, you never dropped any depth charges again on
25 any supposed submarine contacts?

26 A That is correct.

27 Q Now, I believe you testified that you first
28 heard the sonar contact and you evaluated it and determined

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- 1 it was a submarine?
- 2 A That is correct.
- 3 Q Would you turn to page 2 of L. Ron Hubbard's -
- 4 A Page 2? Yes, sir.
- 5 Q L. Ron Hubbard's report of this action.
- 6 Now, in the second paragraph you find
- 7 "Attack One"; is that correct?
- 8 A Paragraph 2, no, sir. Are we looking at
- 9 different things?
- 10 Q Page 2.
- 11 A We seem to have a different copy or something.
- 12 Q We sure do.
- 13 This copy was provided to me, Your Honor, by
- 14 plaintiff's counsel.
- 15 I see, simply a question of different
- 16 pagination at the bottom of one page with a handwritten
- 17 number and a typewritten page 2 at the top.
- 18 A Oh, I see. You didn't make that clear. I
- 19 guess that is why I made a mistake.
- 20 Q I guess I didn't. Typewritten page 2.
- 21 A Correct.
- 22 Q You see where "Attack One" begins and
- 23 concludes?
- 24 A Yes, sir.
- 25 Q And then right next to that, at this point
- 26 you have dropped all but three of your depth charges; is
- 27 that correct?
- 28 A Frankly I don't remember. We had dropped

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1 some of them. I don't remember how many we had left. We had
2 very few to start with. I don't remember the count.

3 THE COURT: Are those the ash cans or K guns?

4 THE WITNESS: Well, the K guns fired ash cans and we
5 also rolled them.

6 Q BY MR. FLYNN: Now, incidentally, in your Naval
7 career was this the only time that you claimed you sunk
8 a submarine?

9 A The only time I claimed I sunk a submarine?
10 It is the only time I sunk a submarine, yes, sir.

11 Q is it the only time you ever rolled ash cans
12 to sink a submarine?

13 A I rolled dummy ash cans on tame submarines for
14 a period of two or three weeks from morning until night
15 and in the night, also.

16 Q So this is the first time that you ever
17 suspected a live, enemy submarine and rolled ash cans?

18 A I had rolled them on tame submarines.

19 Q So this is the one and only time that you have
20 ever rolled ash cans on supposed enemy submarines, this
21 incident?

22 THE COURT: I assume it was your men that rolled them
23 and you ordered them?

24 THE WITNESS: That is correct.

25 Q BY MR. FLYNN: Now, you said in the third
26 paragraph after you claim that you found or made solid
27 contact with a submarine, the notation that you have rolled
28 all but three of your depth charges as indicated by the

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1 next page at this point.

2 "No one, including the commanding officer,
3 could readily credit the existence of an enemy
4 submarine here on the steamer track, and all sound
5 men now on the bridge were attempting to argue
6 the echo ranging equipment and chemical
7 recorder out of such a fantastic idea."

8 A That is correct.

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50 1 Q Now, this was after you had made the solid
2 contact that you testified about; is that correct?

3 A Well, using your words, I think you are twisting
4 just a bit.

5 To use an analogy, if you came down a dose of
6 gonorrhoea, it would be difficult to credit it, but the
7 evidence is immutable.

8 This is what happened here; who would expect a
9 submarine off the West Coast of California? But you can't
10 argue with a machine, your hearing, and your training.

11 Q Are you testifying that these are my words, or
12 Captain Hubbard's words about a fantastic idea?

13 A I just wanted to clarify the way you were wording
14 it. I didn't know what you were saying.

15 Q All I did was write the words of Captain
16 Hubbard --

17 A We'll try it again and I'll try to answer.

18 Q Do you recall testifying that you first made sonar
19 contact; you evaluated it; you determined it was a
20 submarine and rolled depth charges?

21 A Certainly.

22 Q How many depth charges did you roll?

23 A I don't remember. It would be in the attack
24 report. It would be somewhere in the gunnery report.

25 Q This statement of Captain Hubbard appears after
26 attack one concluded; is that correct?

27 A Yes.

28 Q And that is where he says, "No one will argue

1 for such a fantastic idea"?

2 A As I told you, the analogy.

3 Let me point out that we never would have rolled
4 the first ash cans as a matter of routine unless we knew what
5 we were rolling it on. We didn't go around rolling them on
6 porpoises.

7 Q That seems to be the question, Captain Moulton.

8 A Whose question?

9 Q Now, after you did this first attack on this
10 fantastic idea, there was three depth charges left on the
11 ship; is that correct, on page 3?

12 A Is that typewritten three?

13 Q Typewritten three.

14 A Where does it give the amount -- oh, I see.

15 Q Only three depth charges were now left on the
16 ship?

17 A At that point, yes.

18 Q "The next three attacks were therefore
19 parsimonious"; do you see that?

20 A ". . .with an eye to harass the submarine"; yes.

21 Q Now, one of the vessels that came onto the area,
22 the SC 537, refused to even participate; didn't she?

23 A She participated very poorly, as I mentioned
24 earlier.

25 Q She refused to cooperate because she didn't
26 believe the soundings; is that correct?

27 A I cannot say it was for any reason. All I know
28 is her actions were not consonant with the orders that were

1 given to her.

2 Why she did it, I cannot say.

3 Q Did Captain Hubbard exceed his orders when he
4 made the initial firings of the ash cans?

5 A Absolutely not.

6 This is war time. This is not playing games.

7 You come across a submarine and he doesn't
8 identify, you sink him if possible.

9 You don't need orders from anybody for that.

10 Q He didn't exceed his orders by firing first on
11 the submarine?

12 A No. He would have been very remiss if he hadn't
13 done so.

14 Q Would you turn to page 18, typewritten 18?

15 A Yes, sir.

16 Q In the last paragraph just above the signature
17 of L. Ron Hubbard, do you see the statement, ". . .although
18 exceeding its orders originally by attacking the first
19 contact" --

20 A Yes, sir.

21 Q -- "this vessel feels only that it has done the
22 job for which it was intended and stands ready to do that
23 job again."

24 A Yes, sir.

25 Q Now, did L. Ron Hubbard -- did you help prepare
26 this report with L. Ron Hubbard?

27 A Yes, part of it, yes. This last paragraph, I
28 don't recall, though.

1 Q About his exceeding his orders?

2 A I still don't understand it. I think he was
3 trying to perhaps explain something, but what, I have no
4 idea.

5 You do not need orders to attack a submarine
6 once you identify it.

7 Q You never saw any further anti-submarine warfare
8 duty after this incident?

9 MR. LITT: Objection. Asked and answered.

10 THE COURT: Sustained.

11 Q BY MR. FLYNN: Do you recall seeing an object
12 floating in the water that you attack with, I believe, your
13 40-millimeter guns?

14 A Yes. I remember that.

15 Q That turned out to be a floating log?

16 A Well, we thought perhaps -- we eventually saw
17 it, yes. We didn't know what it was when we opened fire.

18 Q Do you recall on page 11 taking an oil slick
19 sample, but finding that the slick was too thin for
20 samples?

21 A No. That, I don't recall.

22 Q That is on page 11.

23 A Typewritten?

24 Q Typewritten.

25 A What paragraph?

26 Q The fourth paragraph from the top.

27 A Oh, I see. Yes. I see that.

28 Q Do you recall that?

1 A No, I don't, frankly.

2 But if that was diesel, that would probably be
3 true. Diesel was very, very thin on the surface.

4 Q Now, do you see in the two paragraphs below that
5 a report that the sub had surfaced off Sand Lake caused all
6 vessels except the Bonham to go flying north to that
7 position, but then it was determined that that was a fishing
8 vessel? Do you see that?

9 A Yes, of course.

10 I believe, if I recall correctly, that Ron sent
11 them up there to investigate. That would be routine.

12 Q Chasing fishing vessels?

13 A Pardon me. You chased any contact on the surface
14 until you identify what it is.

15 We were in battle against a submarine here.

16 Q Now, when you first picked up the supposed
17 submarine contacts, how long after you had left port did you
18 pick up these contacts?

19 A It was either -- I believe it was the first night.

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1 Q And that was the first shakedown cruise of
2 PC 815?

3 A She was still on shakedown, yes.

4 Q So you had pretty much an inexperienced crew
5 at that time; is that correct?

6 A That is completely incorrect.

7 Q Well, had the crew seen any duty together prior
8 to that point in time?

9 A Together? No, except perhaps by coincidence.
10 Some may have come from the same ship. We had a very, very
11 competent group of people on that ship, one of the best
12 crews I have sailed with.

13 Q How long were you with them?

14 A I was with them, as you know, for what, two
15 months, three months.

16 Q And in the very first night of the shakedown
17 cruise you had --

18 THE COURT: This is going to be argumentative,
19 Counsel.

20 THE WITNESS: The ship had been to sea several times
21 before that.

22 Q BY MR. FLYNN: Captain Moulton, after you
23 left the ship, it proceeded down to the San Diego area?

24 A After I left the ship, I think that I told
25 you, I am trusting my memory. I believe I left her in
26 San Diego, but I am not certain.

27 Q Well, did you --

28 A I left her either in San Francisco or San Diego.

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1 I believe San Diego.

2 Q So the birdcage that you testified about with
3 regard to that gun was put on in San Diego; is that correct?

4 A It was supposed to have been put on at the
5 first yard availability, so I would imagine it was done
6 there. It was not on here at the time of our action. She
7 still had the cans.

8 Q Now, shortly after this incident, in July
9 1943 do you recall whether Mr. Hubbard was relieved of
10 command for firing on the Mexican coast?

11 A That did not occur while I was on her, sir. I
12 wouldn't know.

13 Q You don't know anything about that?

14 A No.

15 Q And do you know anything about Mr. Hubbard's
16 subsequent Naval career after you served with him?

17 A No, I never saw him again. I have talked with
18 him, but it has not been in 15 or 20 years.

19 Q And do you know whether or not subsequent
20 fitness reports were made on Mr. Hubbard as lacking the
21 essential qualifies --

22 MR. PETERSON: I object to this. He's testified he
23 has no knowledge.

24 THE COURT: I will sustain the objection.

25 THE WITNESS: This covers a period of time I don't
26 know, so I wouldn't want to make a comment.

27 Q BY MR. FLYNN: This is roughly two or three
28 months --

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1 THE COURT: I have already sustained the objection
2 to the things that happened after.

3 Q BY MR. FLYNN: Who paid your way out here,
4 Captain Moulton?

5 A My expenses are being reimbursed by
6 Mr. Peterson's firm, but I don't know who bought it.
7 Actually, it hasn't been paid. It is on a credit card.

8 Q So you came out here voluntarily?

9 A Yes, sir.

10 Q Now you and Mr. Hubbard were never given
11 credit for sinking or damaging any Japanese submarines;
12 were you?

13 A I don't know. There is something quite odd
14 about that and I have never gotten to the bottom of it. I
15 believe we were.

16 Q Well, Admiral Fletcher in his report never
17 gave you credit?

18 A I am talking about the Navy Department in
19 Washington. We were allowed, so I was advised, to wear two
20 battle stars on our American Theater ribbon which I wore as
21 long as I was in the service. I was told that they had
22 been allowed by Washington.

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1 Q Now, you saw this report of Admiral Fletcher
2 just before coming into the courtroom?

3 A Yes, sir.

4 MR. FLYNN: That is all I have, Your Honor.

5 I would request the production of that.

6 MR. PETERSON: It misstates testimony. He said he
7 saw a transmittal letter.

8 THE COURT: Whatever it was, let's produce it.

9 MR. PETERSON: The only thing I have is a copy of
10 some exhibits.

11 THE WITNESS: Let me take a little time to go
12 through that. I may --

13 THE COURT: If it is part of that, let's not worry
14 about it.

15 THE WITNESS: I think that is where I saw it, but I am
16 not sure.

17 Can you give me a page number, sir, from your
18 file?

19 MR. FLYNN: I don't think it is in there, Captain Moulton.

20 MR. PETERSON: May I approach the witness, Your Honor?

21 I think this is what you are talking about.

22 MR. FLYNN: I would move -- I would offer this,
23 Your Honor.

24 THE COURT: Well, he can mark it as an exhibit.

25 MR. PETERSON: What number, Your Honor?

26 THE COURT: I guess 91.

27 Q BY MR. FLYNN: Is this the document you were
28 referring to marked "Secret" in the upper left-hand corner

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1 and signed --

2 A Yes. This is the letter. That is what I
3 would call second endorsement. So it is a part of the
4 letter transmittal.

5 Our report was endorsed -- first endorsement
6 by somebody and then he was the second. And then it would
7 go to someone else and subsequently it would end up and be
8 sent back.

9 MR. FLYNN: That is all I have, Your Honor.

10 THE COURT: Redirect?

11 MR. PETERSON: Yes, Your Honor.

12

13 REDIRECT EXAMINATION

14 BY MR. PETERSON:

15 Q You mentioned that you had a Master Certificate;
16 since the end of the war what has your last occupation
17 been?

18 A Except for a short period ashore where I
19 worked in engineering I have been working almost entirely
20 in the Merchant Marine.

21 Q And were you involved in sailing ships off
22 the Vietnam coast during the periods of the Vietnam conflict?

23 A I was captain of ships throughout most of the
24 Vietnam conflict.

25 Q Have you recently retired?

26 A As of the 1st of this month officially.
27 2And during that period of time you have been sailing
28 vessels?

1 A Yes, sir.

2 Q And during the remainder --

3 A When did you get out of the Navy?

4 A I would have to check; either December '46 or
5 January of '47.

6 Q From the period of time that you left PC 815
7 until the time you left the Navy did you serve basically
8 in combat duty?

9 A Yes, sir, essentially.

10 As a matter of fact, until the end of the war
11 it was all combat, in command.

12 Q In command of LST's?

13 A Two LST's and two repair ships -- one repair
14 ship. The second one was after the war.

15 Q In cross-examination and reviewing certain
16 documents that Mr. Flynn placed before you you indicated
17 that if Mr. Hubbard had been in intelligence, that those
18 particular documents wouldn't necessarily reflect the true
19 factual situation.

20 A That is my understanding, sir.

21 Q That is your understanding of what happened
22 with Officers who were involved in intelligence duty; is that
23 correct?

24 THE COURT: We are sure getting a lot of speculation.
25 I don't know that there was any evidence that he was in
26 intelligence work.

27 THE WITNESS: I don't know that he was in intelligence
28 work. Counsel said he was.

1 THE COURT: Counsel said he may have said he was.

2 THE WITNESS: I thought he said he was.

3 THE COURT: He may have said he was. Hubbard may have
4 said that Hubbard was in intelligence work.

5 THE WITNESS: One of the documents that you were
6 discussing said something about it too. I think one of
7 those that you showed me; didn't it, the letter from
8 Australia? You mentioned it.

9 MR. FLYNN: It is not my examination now.

10 MR. PETERSON: May I see those exhibits, Your Honor?

11 Q Captain Moulton, in your experience in the
12 Navy did you have yourself personal independent knowledge of
13 how records were kept regarding intelligence officers?

14 A Yes, sir.

15 Q It was based upon that personal knowledge
16 that you were answering Mr. Flynn's question?

17 A That is correct.

18 Q And you said that it would not be unusual for
19 certain dispatches or orders, items, to be put into a Naval
20 officer's file if he were in intelligence operations; is
21 that correct?

22 A This, we were told in instructions when we
23 were taught how to keep Naval records. And as Captain,
24 of course, I was ultimately responsible. It was common
25 knowledge in the service.

26 Q Part of it was for security reasons so that a
27 enemy intelligence couldn't ascertain where certain officers
28 or certain people were conducting intelligence operations;

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1 is that correct?

2 A I would think also to avoid letting people
3 know that an intelligence officer was entering an area.

4 THE COURT: What do you mean by "an intelligence
5 officer"? Is that somebody that is working with the office
6 of Naval Intelligence?

7 THE WITNESS: Or related.

8 THE COURT: Or OSS, or what?

9 THE WITNESS: I would say or any related organization.

10 THE COURT: What about just a lieutenant commander in
11 the Navy, a lieutenant JG?

12 THE WITNESS: If his classification or commission was
13 intelligence, it would be handled somewhat differently.

14 At the time I knew him, his classification was
15 DVG.

16 THE COURT: I thought he was aboard a destroyer.

17 THE WITNESS: DVG would cover that.

18 THE COURT: Was he an engineering officer, or what?

19 THE WITNESS: No; a deck officer with the DVG.

20 THE COURT: That has nothing to do with intelligence,
21 does it?

22 THE WITNESS: Maybe yes, maybe no. A lot of intelligence
23 officers carry DVG commissions. A lot of them carry
24 special IGS commissions. They were changed frequently.
25 I don't know, sir. It is speculation on my part only because
26 another counsel mentioned that he had been in intelligence.
27 I didn't know this.

28 MR. PETERSON: Your Honor, the line of questioning is

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1 because Mr. Flynn was using certain documents and the
2 witness indicated that it wouldn't be inconsistent if the
3 man was in Naval intelligence.

4 THE COURT: I think we are getting out in left field.

5 The witness isn't competent to testify about
6 the way in which Naval intelligence records were kept. He
7 has some knowledge about some things. A lot of it is
8 based upon what somebody might have told him. That is way
9 out in left field. We have no solid evidence that
10 Mr. Hubbard was ever an intelligence officer with Naval
11 Intelligence.

12 May be somewhere in archives, maybe
13 Mr. Hubbard will come in and tell us he was an intelligence
14 officer.

15 MR. PETERSON: May I approach the witness, and ask
16 him one question?

17 THE COURT: You don't have to approach him.

18 MR. PETERSON: I would like for it to be off the
19 record.

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1 MR. FLYNN: Your Honor, I don't understand what is going
2 on now.

3 MR. PETERSON: It is rather than taking a break.

4 (Conference between plaintiff's counsel and
5 witness.)

6 THE WITNESS: May I continue that with you for just
7 a moment?

8 MR. PETERSON: No further questions.

9 THE COURT: Mr. Flynn, anything further?

10
11 RECROSS--EXAMINATION

12 BY MR. FLYNN:

13 Q Captain Moulton, you never worked in Naval
14 intelligence; did you?

15 A I was assigned to intelligence duty at one
16 point in my career.

17 THE COURT: Well, do you have a CIC on board your ship?
18 That is an intelligence operation; isn't it?

19 THE WITNESS: I was stationed intelligence officer
20 and chief of police for a time at the Bayonne Annex of the
21 Brooklyn Navy shipyards at which time I had charge of
22 security of the Europa when she was captured as a war prize,
23 and I conducted considerable investigation for the Navy,
24 as a result of which City officials were put in prison.

25 Q BY MR. FLYNN: And did you create false
26 records when you did that?

27 A That type of duty would not require any false
28 records, sir. I was there openly.

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1 Q So the answer is you didn't create any
2 false records?

3 A No, sir.

4 MR. FLYNN: No further questions.

5 MR. PETERSON: I think the record now stands
6 corrected, that he does understand and know Naval
7 intelligence.

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9 REDIRECT EXAMINATION

10 BY MR. PETERSON:

11 Q Is that correct?

12 A To some extent, sir.

13 MR. PETERSON: I have nothing further.

14 THE COURT: You may step down, sir.

15 THE WITNESS: Thank you, sir.

16 THE COURT: Do you have a witness that you can put
17 on in seven minutes, gentlemen?

18 MR. PETERSON: Not in seven minutes.

19 THE COURT: Call your next witness.

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GENE F. TINCH,

called as a witness by the plaintiffs in rebuttal was sworn and testified as follows:

THE CLERK: Take the witness stand, please. Please state your name and spell your last name.

THE WITNESS: Gene F. Tinch, T-i-n-c-h.

THE CLERK: G-e-n-e?

THE WITNESS: Correct.

DIRECT EXAMINATION

BY MR. PETERSON:

Q Mr. Tinch, what is your occupation?

A Private investigator.

Q And with what firm are you associated?

A Tin Goose Investigations.

Q In May of 1982 did you have a partner in that business?

A Yes, I did.

Q And what was his name?

A Elliott Goossen, G-o-o-s-s-e-n.

Q And I presume that the name Tin Goose is a concoction of the name --

THE COURT: Contraction.

THE WITNESS: That is correct.

Q BY MR. PETERSON: Of Mr. Goossen and Mr. Tinch; is that correct?

A That is correct.

Q And at that time were you also engaged in the

1 profession of private investigation?

2 A Yes, I was.

3 Q And were you ever in the United States

4 Armed Services?

5 A Yes, I was.

6 Q And what branch?

7 A Navy.

8 Q And when did you serve in the United States

9 Navy?

10 A In 1944 to 1946.

11 Q And you weren't in submarine warfare by any
12 chance, were you?

13 A No I was not.

14 Q What was generally your duties?

15 THE COURT: Well does it have any relevance to this
16 lawsuit, Counsel?

17 MR. PETERSON: Background.

18 THE COURT: We don't need that. Let's just go on
19 with the lawsuit.

20 Q BY MR. PETERSON: After getting out of the Navy,
21 what was your occupation?

22 A You mean immediately after?

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1 Q Well, were you with the Los Angeles Police
2 Department?

3 A Yes, I was.

4 Q For how long?

5 A Twenty years.

6 Q And as part of your duties with the Los Angeles
7 Police Department were you a detective in investigations?

8 A Yes, I was.

9 Q And approximately how long during that period
10 of time?

11 A Fourteen, fifteen years.

12 Q Now did you also work for the District
13 Attorney's office as an investigator?

14 A Yes, I did.

15 Q Are you current — were you in May of 1982
16 licensed by the State of California as a private investigator?

17 A Yes, I was.

18 Q And was it in 1982 when you were first contacted
19 with reference to a matter involving Gerald Armstrong?

20 A Some time in May, 1982.

21 Q And who contacted you?

22 A You did.

23 Q And after that first contact did you and I
24 ever meet?

25 A Yes, we did.

26 Q And approximately when was that?

27 A Two or three days later after the first
28 initial contact that you had made by telephone.

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1 Q And prior to that contact that I had made to
2 you by telephone had you ever spoken to me before?

3 A Yes, sir.

4 Q When was that?

5 A Oh, some months back, as I recall. I
6 don't know exactly. In 1982, however.

7 Q Did it have anything to do with this matter?

8 A No, it did not.

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1 Q And in our first meeting, what briefly was it
2 that was discussed?

3 A Briefly, you explained to me that Mr. Armstrong
4 had been a member of the church and had been in charge
5 of the archives, had left the archives and that you
6 believed that he had removed some documents from the
7 archives at the time he left.

8 That you wanted my firm to conduct some kind
9 of an investigation to determine if he, in fact, had
10 those.

11 Q And after that briefing, did you submit to me
12 a plan of investigation?

13 A Yes, I did.

14 Q And approximately how much later was that?

15 A Between one and two weeks, I believe.

16 Q And what was the plan of investigation that
17 you submitted regarding the documents?

18 A My recommendation was that we do a sub rosa
19 investigation.

20 Q What is a sub rosa investigation?

21 A That is where you watch the suspect without
22 his knowledge or attempt to watch him without his knowledge.

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Q Anything else?

A No, that is all.

Q And do you recall approximately when the surveillance on Mr. Armstrong began?

A June, the first week. I believe it was the 6th or 7th. I am not sure.

Q And prior to that time had you done any investigation for me with reference to Gerald Armstrong?

A No, I had not.

Q Had your firm done anything?

A Yes, they had.

Q What had they done?

A They had done some background information, checking some license numbers and post office to determine where he was living, that sort of thing.

Q And when we met did you or myself have any idea where Gerald Armstrong was living at the time?

3No.

Q Was that part of the investigation, to locate where he was?

A Yes, that is correct.

Q Okay. And did I -- after receiving and discussing your plan did I give you any instructions regarding contact with Mr. Armstrong?

MR. FLYNN: Objection, Your Honor.

THE COURT: Well, it is only received to show what he did, I gather; so for that limited purpose, I'll overrule the objection.

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1 THE WITNESS: You didn't want us to contact him.

2 Q BY MR. PETERSON: By "contact," what did you
3 understand was meant?

4 A Any type of personal contact with the man.

5 Q And at some time were you able to locate an
6 address or residence address for Mr. Armstrong?

7 A Yes, I was.

8 Q And do you recall where that was?

9 A Costa Mesa. I can't tell you the address.
10 I don't recall.

11 Q And in starting a surveillance of Mr. Armstrong
12 did you yourself conduct the surveillance?

13 A No, I did not.

14 Q How did you proceed to conduct the surveillance?

15 A I went to the address; drew a diagram of the
16 location, where the house was, where the streets were,
17 where the entrance to the property was; what was around it;
18 basically, that is all.

19 THE COURT: I guess we'll take our recess at this
20 time.

21 We will reconvene tomorrow morning. I guess
22 we'll make at 9:45 tomorrow morning.

23 (At 4 o'clock p.m. an adjournment was
24 taken until Friday, June 1st, 1984
25 at 9:45 a.m.)
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end